UNITED
NATIONS

CRC

Convention on the
Rights of the Child

Distr.
GENERAL

CRC/C/SR.653
3 October 2000

Original: ENGLISH

COMMITTEE ON THE RIGHTS OF THE CHILD

Twenty-fifth session

SUMMARY RECORD OF THE 653rd MEETING

Held at the Palais Wilson, Geneva,
on Tuesday, 26 September 2000, at 10 a.m.

Chairperson: Ms. OUEDRAOGO

CONTENTS

CONSIDERATION OF REPORTS OF STATES PARTIES (continued)

Initial report of Tajikistan

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Official Records Editing Section, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of the public meetings of the Committee at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.00-44643 (E)

The meeting was called to order at 10 a.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 4) (continued)

Initial report of Tajikistan (CRC/C/28/Add.14; CRC/C/Q/TAJ/1)

1. At the invitation of the Chairperson, Ms. Sharapova and Mr. Rajabov (Tajikistan) took places at the Committee table.

2. Ms. SHARAPOVA (Tajikistan) said that the Republic of Tajikistan recognized the inalienability of all human rights and endeavoured to ensure that they were respected. The Constitution of the Republic of Tajikistan devoted a chapter to fundamental rights and freedoms, as enshrined in the Universal Declaration of Human Rights and other international instruments. Constitutional norms gave direct effect to those rights and the State was the guarantor of their implementation. It was the State party's intention to improve its legal machinery to ensure that civil and political rights and human rights in general, were respected.

3. Tajikistan had signed a number of international human rights instruments, including the Convention on the Rights of the Child, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Political Rights, the Convention on the Elimination of All Forms of Discrimination against Women and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. In addition, the President had signed the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families and the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women at the recently-held Millennium Summit of the United Nations.

4. Human rights had been seriously trampled during the civil war, but since the re-establishment of peace, the presidential elections and the institution of a new parliament, the State party was committed to doing everything possible to respect its international obligations, especially those relating to respect for human rights. The provisions of the Convention on the Rights of the Child had been incorporated into national legislation, and mothers and children were afforded special protection pursuant to article 34 of the Constitution of Tajikistan and various other laws and codes.

5. Since the signing of the agreement on the establishment of peace and national reconciliation, the situation had improved somewhat and the State party had been engaged in efforts to alleviate poverty and its effects, especially on women and children. A Government commission on juvenile affairs had been created which, in cooperation with other Governmental bodies and non-governmental organizations (NGOs), would protect the rights of children and help combat juvenile delinquency and prevent situations where children would be left unsupervised. A commission on juvenile affairs of the local council attached to the Ministry of Internal Affairs and an inspectorate for children's affairs had been established to protect the rights and interests of children, thanks to the assistance received from the United Nations and its specialized agencies, international and inter-governmental organizations and international and national NGOs. The United Nations Children's Fund (UNICEF) had been particularly

instrumental in improving the situation of children in the country, and in February 2000 the Government and UNICEF had signed an agreement, covering the period 2000-2004, to increase protection for children under the Convention.

6. The Government was grateful for the assistance it had received but there was still much room for improvement. In the current post-conflict context, it was difficult to ensure full protection of people's rights, in particular social and economic rights, especially those of children. Most families had to struggle for daily survival as the hardships of life in the country pervaded all aspects of daily life. Social services had been reduced, primarily affecting the most vulnerable members of the society. Public health had deteriorated because of a lack of medicines, and women and children in particular were threatened with a number of diseases such as anaemia and diseases resulting from iodine deficiency. Consequently, the infant mortality rate remained high, most of the deaths caused by respiratory and diarrhoeal diseases and perinatal complications, in addition to a high proportion of children with stunted growth and low birth weights. Poor nutrition hampered physical as well as mental development and smaller health budget allocations only served to exacerbate the problem.

7. In the field of education, low pay and lack of job opportunities had led to a large exodus of teachers from the profession. School attendance had fallen because children were forced to work to help support their families, often doing difficult jobs. In any event, the quality of education would not improve until more adequate financing was available. Poverty had left many children homeless and had led to a rise in juvenile delinquency and higher school drop-out rates. Orphans and street children were two other groups in need of urgent attention, many street children having been left fatherless on account of the war. In addition, a large number of young people suffered from sexually transmitted diseases (STDs), and the expanded drug trade had increased the number of intravenous drug users. As women had to work to support their families, they were unable to pursue their own education or spend sufficient time with their children.

8. Despite those problems, the Government was doing its best to improve the situation by implementing the Convention, and the changes that had already been made would speed up the improvement process. She noted, however, that it was impossible for the State party to solve all its problems on its own, hence the need for increased international cooperation.

9. The CHAIRPERSON invited members of the Committee to ask questions relating to general measures of implementation and to the definition of the child.

10. Mr. RABAH welcomed the delegation's high-level composition, which was indicative of the State party's serious intention to implement the Convention. The Committee was aware of the State party's small size, multi-ethnic composition and newly-gained independence, and of the many changes that had taken place in education and other fields of relevance to the Convention.

11. He would like to know which actors had been involved in the report's preparation, whether the Convention was widely disseminated, especially in schools, and whether coordination existed between Government ministries and NGOs in different fields, especially women's and children's rights. He also wondered whether a mechanism existed for receiving complaints of children's rights violations.

12. Mr. FULCI asked whether the Convention's provisions had been automatically incorporated into national legislation or whether it was given effect through specific legislation. He wondered whether there was a UNICEF office in Dushanbe and what its role was, as countries with economies in transition often received help from UNICEF in preparing their reports.

13. He would welcome information about coordination in implementing the Convention. Were there plans to re-establish the system of local government child protection officers and would those officers act as ombudsmen, receiving and investigating complaints of child rights violations? He would also like to know whether there was an active network of NGOs in Tajikistan and whether they assisted in promoting the rights of the child.

14. Ms. EL GUINDI inquired about the structure and leadership of the National Council for Children, its coordination with Government ministries and its relationship with civil society.

15. Ms. MOKHUANE, citing an NGO alternative report concerning the inconsistent participation of civil society in children's affairs asked whether civil society had been involved in the preparation of the report. She would like to know whether an independent complaints mechanism existed for violations of children's rights. What impact did the shortage of resources have on education and other areas? Had a study been conducted in that regard, and which other areas besides education had been affected? She would also like to know whether studies had been conducted on the sustainability of programmes, especially health programmes, and how disaggregated data on children under 18 were collected?

16. Mr. DOEK said reports had indicated that efforts to raise funds to address the problem of starvation in Tajikistan had met with limited success, which suggested some neglect on the part of the international community. The country's situation had been worsened by an influx of Afghan refugees fleeing the Taliban, which added to the State party's problems with its own internally displaced populations, former combatants and returnees and the high levels of violence which persisted even after the civil war.

17. He asked about the role of the interministerial working group, coordinated by the Centre for Strategic Research, in the implementation of the Convention and requested additional information on the human rights education programmes introduced by presidential decree in 1999. Might the high registration fees demanded of NGOs be a deterrent to their active participation? Finally, would be interested in finding out how the drought had affected children and whether all the country's water reserves had been depleted.

18. Ms. RILANTONO said she would like to know more about the social and economic conditions affecting children. Education and health were purportedly free; if that was the case, she would like to know why, in certain cases, fees were charged. What progress had the Government made in establishing local child protection services?

19. Ms. KARP inquired how many children there were in Tajikistan, aged 18 and younger. More information on the statistical infrastructure would be useful, in particular, how the data system organized relevant data on the lives of children and their children under the Convention, and how it handled such matters as the juvenile detention system, child victims of abuse and

mistreatment, displaced children, refugees and other children from vulnerable groups. Were those statistics disaggregated, and if so, how? Did the Government envisage designing a system that would assist it in developing programmes for children?

20. She was aware that the Convention existed in Russian; had it also been translated into Tajik? It would be useful to know what information about the Convention was available for children and adults. Finally, she would appreciate descriptions of any child-related bills under consideration, including their status and the timeframe for their approval by the legislature.

21. Ms. TIGERSTEDT-TÄHTELÄ said she would like to know the mandate of the presidential human rights body responsible for ensuring the fulfilment of the constitutional human rights guarantee. It would be useful to know how it functioned, whether it cooperated with other bodies, whether it worked with NGOs and whether it had achieved any significant results.

22. She would be interested to know whether the country's economy was continuing to grow, in particular whether the market economy had strengthened. It would also be useful to know whether the Government endeavoured to coordinate economic and social policies, and whether it applied a human rights or child rights perspective to policy development, in particular with a view to using economic growth to enhance allocations for children. Was the Government able to raise taxes specifically for social programmes benefiting children?

23. Ms. SHARAPOVA (Tajikistan) said that the report under review was the country's first report to a treaty body, and that the Government had no experience in preparing such reports. An alternative report had, in fact, been prepared by NGOs. A group of governmental advisers kept abreast of the activities of NGOs. A commission had been established, under the auspices of the Prime Minister, made up of six deputy ministers who dealt with specific issues: each one worked with a related NGO. Although there was a partially State-run office for women in development, there was no separate governmental structure to deal with women's affairs.

24. Nor was there, in fact, any national children's council: that was an error. The Tajikistan Government would have to consider the establishment of a coordinating body to focus specifically on the problems of children and adolescents. Although no such body existed, many ministries had special commissions that dealt with matters affecting children and young people. A committee made up of members of the Government and the legislature addressed the problems of children at the central and local levels.

25. Mr. RAJABOV (Tajikistan) said that information about the Convention was disseminated through the mass media. A special children's newspaper, supported by UNICEF, regularly featured articles concerning the rights of the child, and sponsored a competition for children regarding the provisions of the Convention. The Convention had indeed been translated into Tajik.

26. No particular body existed to receive complaints from children. However, Tajik law gave all governmental bodies the power to receive complaints and communications from the public, including children, which it was their responsibility to consider and resolve. If any

governmental body found that a violation had occurred, it forwarded the dossier to the appropriate ministry, and, where applicable, proceedings were instituted against the perpetrator. In addition, many NGOs were devoted to the matter of citizen's complaints.

27. All international legal instruments ratified by Tajikistan automatically became part of the legal regime, and all governmental bodies were obliged to abide by their provisions. Consequently, the basic provisions of the Convention on the Rights of the Child were reflected in Tajik law.

28. There was a UNICEF office in Tajikistan, and UNICEF provided assistance and support for the protection of children's rights. A new cooperation agreement had recently been signed between UNICEF and Tajikistan to cover the period from 2000 to 2004, which set out the main areas of joint action.

29. The question whether to establish an ombudsman's office was under discussion in Tajikistan. In 1999, the Government had organized an international round table on the development of human rights mechanisms, which had been attended by ombudsmen from European and Central Asian States. The need for such an institution was gradually being understood by the Tajik population.

30. There were more than 600 active NGOs in Tajikistan, many of them working in close cooperation with governmental offices; some focused on children's issues.

31. Ms. SHARAPOVA said that the matter of what body should defend children's rights in Tajikistan was defined by law. Although the children's inspectorates had been discontinued, commissions on children's affairs had been created both at the central and local levels. Their mandates, however, called for review, as they currently dealt mostly with the status of children who were unable to continue their studies for economic or social reasons, and children who had been abandoned by their parents or whose parents had been stripped of their parental rights. Either the mandates of those commissions should be broadened, or another body should be established to handle issues that arose under the Convention.

32. There was an office that concentrated on the collection of statistics, regarding, for example, the number of children in school with mental or physical disabilities and the number of children in Government-run homes or boarding schools. The information was not entirely reliable, however, as certain indicators were flawed. For instance, the fees for birth registration amounted to about US$ 5, and, since the minimum wage in Tajikistan was only US$ 0.50, many persons neglected to register their newborns. It was estimated that between 12 and 20 per cent of births were unregistered. To cite another example, the unemployment rate of 3 per cent represented only those persons who were officially registered as unemployed. A child-related database had been created with assistance from UNICEF, which broke down children into two groups, ages 14 and under and ages 15 to 17. Another database covered the question of crimes committed by children, and calculated the number of children and adolescents who were admitted to children's centres. According to recent data, there were 6.1 million inhabitants of Tajikistan, half of whom were children.

33. Although the law provided that education and health should be free, many hospitals charged fees for particular services and medicines, and private schools and specialized secondary schools demanded fees. Although the fee-supported schools were well-equipped and had full teaching staffs, many of the Government-supported schools, especially in rural areas, lacked sufficient chairs and desks.

34. The Government had begun considering a programme for extensive health care reform, but such a programme could not be implemented by it alone, and would require the support of donors and international organizations. The programme would concentrate on increasing the number of hospital beds and improving out-patient care, with emphasis on the provision of primary care near patients' homes. It would also define which patients should be entitled to care free of charge and which could afford to pay for services.

35. A Government working group comprising representatives of various ministries and the World Bank had been working on a project to combat poverty, which had been implemented in two pilot districts in rural areas. Every month, the programme provided schoolchildren from needy families with a very small amount of cash, under US$ 1, to help them purchase school supplies or clothing.

36. Unfortunately, resources were still very limited, as the country' s factories were not operating at full potential, and some had yet to be refurbished. In addition, there was a serious problem of drought. The harvest had been ruined, and there was a threat of famine. Many people in rural areas did not have access to clean drinking water. There was sufficient water in Tajikistan, but the infrastructure to allow it to be used rationally was lacking. In areas affected by the conflict, the irrigation and piping systems had been severely damaged. Improper irrigation techniques had led to erosion in some areas. The lack of clean drinking water had been responsible for the resurgence of a very large number of health problems which had completely disappeared during the Soviet era, including typhoid, anthrax and a number of intestinal disorders. In order to draw the attention of the international community to such problems, the Government was planning to hold an international conference in 2003 on water-related problems in Tajikistan.

37. Mr. RAJABOV (Tajikistan) said that a law on social partnership called for the participation of all sectors of society in addressing a number of issues. As the report under discussion had been the first State party report submitted by Tajikistan, NGO participation in the drafting process had not been extensive. However, Tajik NGOs had submitted an alternative report, which on many questions coincided with the information provided by the Government. The question of lowering the registration fees for NGOs had been the subject of much discussion with the organizations concerned and was currently being considered by the Ministry of Justice.

38. A presidential decree issued in December 1999 on the strengthening of democratization in the political life of the country had entrusted the Government with drawing up a State programme for education in the field of human rights. The working group of the Centre for Strategic Research had been established pursuant to that decree, and had already drawn up a draft State programme in cooperation with the Swiss Agency for Development and Cooperation. The programme was due to be finalized and submitted for Government approval by 1 November 2000, and would be of prime importance in raising public awareness, in

particular among schoolchildren and students at the primary and secondary levels, of the basic provisions of human rights instruments. The decree also instructed all local executive bodies to set up public councils, with the participation of civil society, for the consideration of vital questions relating to democratization.

39. Concerning prospects for economic development, Tajikistan's independence after the collapse of the Soviet Union had coincided with a civil war which had led to heavy material losses. Since the end of the war, the economy had recovered somewhat. In the first half of 2000, industrial production and agricultural output had both increased by about nine per cent. It was hoped that the trend would continue, although a number of problems persisted. The entire economic structure had been based upon the single economy of the Soviet Union, the disintegration of which had led to many difficulties. With the support of regional and international financial institutions, a number of infrastructure projects were currently being carried out, including the construction of roads which would facilitate trade with China.

40. There were no children's courts. Juvenile cases were handled by the regular courts, which were, however, obliged under the Criminal Code and the Code of Criminal Procedure to take the special characteristics of juvenile justice into consideration when hearing and investigating cases involving children. They must provide the child, from the moment of arrest, with a lawyer and must ensure access to the child for social workers, the parents and the lawyer. The Criminal Code set out more lenient criminal sentences for children. The maximum sentence, which was applied in cases of serious repeat offenders, was 10 years' imprisonment, and the death penalty could not be invoked against a minor.

41. Many Tajiks had been forced to seek refuge in other countries during the civil war. Most of those who had fled to Afghanistan or who had been internally displaced had since returned to their homes. To the extent possible and notwithstanding the enormous economic difficulties that it had faced, the Government had done whatever possible to ensure the best possible conditions of return, in particular by providing access to education, health and other social services.

42. There was a State law and a State programme for young people under the age of 14. Parliament was currently considering a number of child-related measures, including the possible ratification of the International Labour Organization Worst Forms of Child Labour Convention, 1998 (No. 182) the State programme for education in the field of human rights and the draft budget for 2001, which included a section on support for children. The Board of Constitutional Guarantees of Citizens' Rights was responsible for ensuring that measures were taken by the Executive and the Government to ensure human rights, and that citizens whose rights had been violated could find some form of redress. For the time being, that body had only meagre resources, but it cooperated very closely with both national and international NGOs, especially for seminars and round tables. Apart from the Board, a parliamentary committee on human rights and the courts, there was no specific body such as an ombudsman's office which dealt exclusively with human rights.

43. The market economy had been introduced and accepted; however, the transitional period after the war had been a very difficult one. The consolidation of State security had become a major concern. Tajikistan shared a long frontier with Afghanistan, and had unfortunately had to

allocate much of its resources to defending that border owing to the tensions which had arisen between the two countries. The problems of extremism and trade in drugs had become serious threats not only for Tajikistan and Central Asia, but for countries further away as well.

44. Ms. SHARAPOVA said that unemployment and inflation were among the most serious economic and social problems currently facing the country. Another serious problem was family planning. The Government had drawn up a national family planning scheme and was reconsidering its reproductive health policy. The allocations to cover the economic, social and cultural rights of children were currently extremely inadequate. Benefits for children under 8 years of age were paid out to families which had an average income per capita of less than 1,000 rubles per month, or less than US$ 0.50. Birth allowances currently amounted to US$ 1.00 to US$ 1.50, and monthly allowances paid out until the child reached the age of 18 months amounted to US$ 0.50, or not even enough to cover the cost of a jar of baby food.

45. Ms. RILANTONO expressed the hope that the economic situation would improve in the near future. She drew the delegation's attention to the need for people providing services for children to be aware of the Convention. Had the Government undertaken to provide training in the Convention's provisions for such professionals, in particular those involved in the justice system? She asked whether, and to what extent, the tradition of forced marriages was still practised. Were schoolchildren given instruction in gender issues, and was there discrimination against women in higher education? She would also like to know whether the national plan of action for the period from 1998 to 2005 on the role of women incorporated provisions addressing the plight of children. What proportion of women in Tajikistan were illiterate, and how many were aware of the existence of the Convention?

46. Mr. RABAH noting that the Committee had not yet received written replies to the list of issues, asked the delegation to comment on a number of problems addressed by the alternative report submitted by Tajik NGOs. Schoolchildren were reportedly not encouraged or taught to express their opinions regarding problems of concern to them, and the only newspaper for schoolchildren had an extremely limited circulation. According to certain sources, the Government did not pay sufficient attention to the problem of domestic violence against children, and girls who were forced out of school were often at risk of sexual violence in public places. Drug abuse had reportedly become a serious problem as well.

47. Mr. DOEK asked whether the Government had any plans to lower the fees for registrating births. Registration was the first step in ensuring that a child's rights would be guaranteed. If the cost of registration was prohibitive, it was critical to reduce the fee. He asked whether the right to identity of children who were adopted or orphans was ensured. Were such children entitled to know the identities of their biological parents? Did mechanisms exist to ensure children's participation in the running of institutions such as schools? Lastly, there was reportedly a high level of violence in the country, owing in large part to the availability of weapons as a result of the civil war. Children were particularly vulnerable to public violence and ill-treatment. Had the Government taken any steps to combat such public violence?

48. Ms. MOKHUANE asked what steps were being taken to improve the precarious situation of girls, inasmuch as forced marriages still existed and girls were subjected to general

discrimination in all areas, especially in schools. Were there any programmes to combat the problem? On another matter what measures were in place to reduce the disparities between rural and urban areas?

49. Ms. EL GUINDI asked whether 10 was really the minimum age of imprisonment.

50. Ms. TIGERSTEDT-TÄHTELÄ asked about families' attitudes regarding the importance given to children's views. Was there any dialogue between children and their parents or were all decisions concerning children taken unilaterally by the parents? It was essential for children to be allowed to express their views, both collectively and individually - at school, within the family and in institutions - and to participate in local decision-making. That was an inalienable right whose enjoyment should not be tied to their economic situation.

51. Ms. KARP asked whether the age of adolescence ended at 17, as the delegation had stated, or at 19. If 17, were children of 17-18 given specific protection, as stipulated by the Convention? Considering the delegation's statement that Tajikistan had as yet no special coordination agency for child issues, what was the role, structure and budget of the various commissions for children in the different ministries? Did they work in unison?

52. As 25 per cent of the country's population was Uzbek-speaking, what steps were taken to disseminate the Convention to them? Also, since there was so specific child-related Bill on Parliament's agenda, did the delegation feel that the legislation had been adequately reviewed to bring it into line with the Convention? For example, had any attempt been made to amend the sex-abuse laws in a way that would prevent children from being victimized a second time when giving evidence? She had been concerned to learn that only one complaint of child sexual abuse had been lodged in 1991. What was being done to provide better protection for children in such situations?

53. She was aware that legislation was in place to protect young girls from early marriage and from the tradition of abduction for marriage, but what was actually being done to prevent those practices and to prosecute people for violating children's rights? She asked why the report made no mention of the State party's basic approach to the general principles of the Convention, without which children could not enjoy any of the other rights it contained. What say did children have in administrative decisions to remove them from their homes, and in the reprehensible practice of institutionalizing disabled children?

54. She asked whether there was any case law concerning the best interests of the child and how those interests were safeguarded in conflicts between children and parents, or between children and the institutions in which they were placed. What was society's basic perception of the best interests of the child, and how did that perception translate into reality? Lastly, did children born out of wedlock enjoy the same rights as those born to a married couple?

55. Mr. FULCI endorsed Mr. Doek's question concerning birth registration. One Tajik NGO had reported that parents in rural areas often failed to register their children, for a variety of reasons: ignorance of the law; difficult access to registration units; non-possession of the requisite documents and inability to pay the registration fee. He would recommend that the fee, which did not exist in most other countries, should be abolished.

56. The CHAIRPERSON requested information on the Tajik population's attitude to the Convention. Did it appreciate that children must be full-fledged bearers of rights? Given the large families in Tajikistan, how was a child's right to privacy of correspondence and telephone calls respected? Lastly, did any programmes exist to ensure a reasonable standard of economic life for children, in the wake of the civil war and severe drought?

57. Ms. SHARAPOVA (Tajikistan) said that no system was in place for training specialized juvenile-court judges, nor was there a particular group of professionals working with children exclusively on issues set forth in the Convention. It was also true that the children's newspaper referred to was published sporadically, mainly in the capital and larger cities, and in limited edition, so that children in rural areas depended for the most part on the audiovisual media.

58. Although the new Family Code stipulated that forced and early marriages were illegal, they did sometimes occur, especially in the hinterland and mainly for economic reasons. Since the preparation of the report - and, incidentally, the cessation of hostilities - abduction for purposes of marriage had diminished significantly. However, given the extremely precarious situation still prevailing in the country, parents sometimes gave a daughter in marriage to a suitable boy for her own security.

59. Regarding discrimination against women and girls, the 1999 decree on the role of women in society and the National Plan of Action for its implementation covered all gender issues. Women's representation in Parliament and Government had increased considerably in recent times; there were 17 women in senior Government posts and three women heads of local councils. More than half the country's NGOs (100 of which dealt with women's rights) were headed by women. Research centres on gender equality and sex education for girls and boys produced fact sheets and brochures on many gender issues. Some 80 per cent of girls completed the first grade of general education, but the percentage dropped sharply at the eighth or ninth grade for a variety of reasons: some girls married; others stayed to help with domestic chores and childcare in the home, especially if their mothers were forced to seek work in the cities; yet others simply could not afford school materials or even shoes.

60. A presidential quota had just been fixed, offering advantageous conditions and some 20 per cent of places in urban colleges for rural girls, and accommodation in student hostels so that their further education need not burden their families. NGO crisis centres advised girls and young women in distress occasioned by violence of any kind. One women's NGO had lately set up a social-worker training centre. While she could not supply statistics on female literacy, the fact that 60-70 per cent of teachers, doctors and other medical workers were women spoke for itself.

61. Replying to questions concerning children's expression of their views and the best interests of the child, she said that no specific psychological studies had been undertaken. Those issues were regulated by life in the society, which was, in turn, affected by growing rural migration and the widening gap between the rich, who possessed the means for travel and, hence, a broader outlook on life, and the poor, who could hardly afford newspapers. While women had the right to express their views and develop their interests and capacities, it was extremely difficult for them to do so in very large families, where the focus was on making ends meet. There was unlikely to be much improvement in the near future.

62. Turing to birth registration, she said many parents had no passport themselves, and therefore could not register their children. Affidavits and certificates were hard to come by, but measures were in place to improve the situation. While it did not constitute a major problem, funds were needed to address it. In fact the entire range of basic utilities and services were beyond the means of anyone on the minimum wage. From whatever angle one viewed the problem, Tajikistan simply did not have the necessary funds.

63. School democracy was at an embryonic stage. The situation had been improving prior to the dismantling of the Soviet Union and the civil war, but new problems had arisen. Democracy did exist in some schools in the capital, but not in rural schools. Child drug abuse was indeed a scourge, although the statistics did not reflect the real situation. Whereas Russia's greater affluence gave more adolescents the wherewithal to abuse drugs at school, in Tajikistan children were more likely to be dealers than consumers. Those who did take drugs were mostly children who left orphanages to seek work in the cities, and who were therefore lost to the authorities. It was true that a national plan of action was needed, but the new Drug Control Agency established in the Office of the President had made a great deal of headway.

64. Mr. RAJABOV (Tajikistan) said that all the necessary laws on torture and violence did exist in his country and would require hardly any amendment. The current focus needed to be on enforcement. In any event, child torture was not common in Tajik society, as the prevailing social attitude to children was one of respect.

65. Any civil war had ineluctable consequences. Not all the weapons borne in the recent troubles had been turned in, although the vast majority of former combatants had relinquished theirs. Apart from the forces of law and order, few people now carried weapons on the streets, which had been cleared of all military equipment. Demobilization had been conducted effectively and law and order had been restored.

The meeting rose at 1 p.m.

UNITED NATIONS

CRC

Convention on the Rights of the Child

Distr.
GENERAL

CRC/C/SR.654
15 December 2000

ENGLISH
Original: FRENCH

COMMITTEE ON THE RIGHTS OF THE CHILD

Twenty-fifth session

SUMMARY RECORD OF THE 654th MEETING

Held at the Palais Wilson, Geneva,
on Tuesday, 26 September 2000, at 3 p.m.

Chairperson: Ms. OUEDRAOGO

CONTENTS

CONSIDERATION OF REPORTS OF STATES PARTIES (continued)

Initial report of Tajikistan (continued)

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Official Records Editing Section, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of the public meetings of the Committee at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.00-44647 (E)

The meeting was called to order at 3.05 p.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 4) (continued)

Initial report of Tajikistan (CRC/C/28/Add.14; list of issues to be taken up (CRC/C/Q/TAJ/1); written replies from the Government of Tajikistan to questions posed in the list of issues (document without a symbol distributed at the meeting, in Russian only) (continued)

1. At the invitation of the Chairperson, the members of the delegation of Tajikistan resumed their places at the Committee table.

2. Mr. RAJABOV (Tajikistan) said that the age of criminal responsibility was 14 for extremely serious offences and 16 for other offences and that judges were bound to take various mitigating circumstances into account. The Juvenile Affairs Commission was a governmental body, operating at the regional and local level as well as at the level of central Government. It dealt with issues such as the prevention of juvenile crime, and the detention and placing under supervision of juveniles. It took decisions and referred them to the courts or to other institutions. The various functions of the Juvenile Affairs Commission were due to be extended and transferred to the National Council on the Rights of the Child, as soon as the latter body was established.

3. A number of legislative texts, including the Family Code, the Civil Code, the Penal Code and the Employment Code, provided for the opinion of the child to be taken into account. The Family Code stipulated that children aged 10 or over must be consulted over any issue which concerned them; where there was a difference of opinion between a child and his parents, the child could ask for a court to decide. At school, children could make themselves heard through student associations and other independently-run associations, the views of which were taken into account by school authorities when decisions were taken.

4. The Convention had not been adequately disseminated to the country's Uzbek-speaking population, due to a lack of resources and technical problems arising from the fact that, unlike the Tajik language, Uzbek was written in Latin characters.

5. Legal protection was provided against the ill-treatment of children and the abduction of young girls, and the bodies responsible for combating those practices were more effective than before.

6. The Ministry of Social Protection had opened a home for mentally disabled children in January 2000, in addition to existing specialized boarding schools for children with hearing, sight or motor disorders.

7. A dozen new homes had been opened to provide for the large number of orphaned children arising from the civil war, but many more would be needed to provide for all such children, which was currently impossible due to insufficient resources.

8. Pursuant to the Family Code of 1998, children born out of wedlock enjoyed the same rights as those born within marriage. The Ministry of Justice was in the process of developing a scheme for considerably reducing birth registration fees, but it was still impossible to abolish the fee.

9. The CHAIRPERSON said she would like to hear the delegation respond orally, since the written replies had been submitted in Russian only, to the question, posed in the list, concerning children without *propiska* or residence registration.

10. Mr. RAJABOV (Tajikistan) said that all children, whether refugees, migrants, displaced persons, nationals or non-citizens, were provided equally under Tajik law with all rights as well as access to health care, education and social services. However, in view of Tajikistan's economic situation, those provisions were very difficult to apply. Most of the children in question were found places in institutions.

11. Mr. DOEK said he wished to know the extent to which the authorities turned to members of the extended family in order to find homes for orphaned or abandoned children. Did the Government and non-governmental organizations (NGOs) provide assistance to families which adopted orphans?

12. Ms. EL GUINDI asked whether a mechanism was in place to ensure regular monitoring of children placed in institutions or in foster homes and whether NGOs had a role in that process.

13. Mr. FULCI asked whether, in view of the very difficult living conditions in orphanages, solutions for alternative care such as foster placement were being considered. How many children had been adopted abroad and in precisely which countries?

14. Ms. RILANTONO asked whether measures had been taken to promote breastfeeding and whether there was a campaign in place for the prevention of diseases transmitted by mosquitoes such as malaria, and of congenital diseases. She also asked whether Tajikistan would be able to target its assistance of disabled children more towards their integration into ordinary schools, as the Convention stipulated, and away from their placement in special schools and institutions.

15. Mr. RABAH asked what conditions needed to be met in order to adopt a child in Tajikistan, whether adoption by foreign families posed any particular difficulties and whether there were any bilateral agreements concerning adoption. Why was the situation of orphans placed in institutions not monitored by the social services?

16. Ms. TIGERSTEDT-TÄHTELÄ asked whether there was any comprehensive programme designed to help families to take care of their disabled child themselves and to develop the foster placement system.

17. Ms. KARP said she understood that in some State-run children's homes, the condition of boarders from the point of view of nutrition was alarming, and asked whether institutions of that type were required to meet any standards concerning the quality of services and whether

mechanisms had been established to enforce those standards. Was there any possibility of appealing against a decision taken when a child was very young and placing that child in a particular institution, since the child's development did not appear to be monitored?

18. In view of the fact that, according to the current statistical system, the death of a newborn child weighing less than a certain amount was not registered, she asked whether changes to those provisions had been considered, with a view to making a more precise assessment of the late foetal mortality rate. She also asked whether studies had been carried out to determine the impact of polygamy, a growing phenomenon in Tajikistan, on the development of children.

19. She would like to know whether children traumatized by war had access to psychological treatment or whether there were people for such children to talk to, for instance at school, with training in that area. More generally, were there any plans to establish specific services for children or adolescents suffering from psychological disorders and to educate parents in looking after such children? Lastly, did Tajikistan intend to adopt the Plan of Action of the Stockholm World Congress against Commercial Sexual Exploitation of Children, for instance by determining the extent of the problem in the country?

20. Mr. DOEK asked what plans there were to improve family-planning services and sexual and reproductive health care, particularly to combat sexually transmitted diseases and to make women aware of the different methods of contraception, in view of the large number of women having abortions. Vaccination programmes having been introduced with the help of international organizations, she would be interested to find out what would happen in the long term after those organizations had left. What priorities had the Tajik Government set itself, given that it would not be able to deal with all the problems at once, due to a lack of sufficient human and financial resources?

21. Ms. SHARAPOVA (Tajikistan) said that children's homes were the responsibility of the Ministry of Education and that they operated in accordance with the Law on Supervision and Guardianship. They provided a home not only for orphans but also for children from families without sufficient means to look after them. Most of those children also took part in summer holiday camps. The State monitored the situation of children placed in homes or with foster parents. Due to a lack of resources, the State was not currently able to provide care for all abandoned children, but some families volunteered to look after street children on a charitable basis, sometimes with the help of international organizations.

22. Over the previous three years, a dozen children's homes had been opened but over another hundred such institutions needed to be built in order to provide care for all the orphans and children of parents who were unable to look after them, which was impossible due to the current economic crisis in Tajikistan. Existing children's homes were having serious difficulty in providing food, clothes and care for the children in their charge. They made do with whatever means were available, for instance by buying a couple of cows with the help of the local authorities in order to be able to provide the children with milk. Besides the State, individuals, work collectives and international organizations also provided support for those institutions.

23. There were only 16 specialized institutions in Tajikistan, caring for a total of approximately 1,500 children with a range of disabilities, including hearing, sight and motor disorders. Two projects currently under way were designed to help some of those children to be integrated back into the mainstream education system. There were also plans to establish a training centre to provide schools with qualified staff to care for disabled children. All specialized institutions were financed by the State. Homes or institutions providing disabled children with an education or with medical and social rehabilitation were covered by the Government's social security programme. Low-income families with disabled children also received financial assistance for their children's education.

24. Regarding the adoption of children from Tajikistan by foreign families, two young girls had been adopted by families in the United States, one in 1999 and the other in 2000. Tajik families wishing to adopt a child had to meet a number of conditions. Parents applying to adopt needed, among other things, to be in good health and to have an income sufficient to raise a child in comfortable conditions.

25. Information campaigns were carried out to convince mothers of the benefits of breastfeeding. Malaria was only rife in the region bordering Afghanistan and the proportion of children throughout the country suffering from the disease was fairly low. Despite the efforts of the State and of NGOs, many children suffered from malnutrition.

26. A children's fund had been created to provide for children wounded during the conflict and several children had been sent abroad for complex surgical operations. Many children, particularly refugees, suffered from psychological disorders. Consequently, a centre specializing in the treatment of minors, staffed by competent personnel, including psychologists and psychiatrists, had been established in 1993. The NGO, Médecins sans frontières, gave considerable assistance both by providing care and by training specialists.

27. The State implemented a public awareness campaign, particularly in rural areas, with a view to reducing maternal and infant mortality rates. A network of family planning clinics had been established, which extended even into remote regions, in order to help women to delay childbearing, avoid teenage pregnancies and use appropriate methods of contraception. A national programme to combat sexually transmitted diseases was currently being pursued, though its limited budget tended to undermine its effectiveness. The National AIDS Action Committee was encountering similar problems in its attempt to implement a national programme to combat AIDS.

28. Vaccination programmes had been interrupted by the armed conflict and many diseases which had practically disappeared had re-emerged. Tuberculosis was currently rife, due to both the interruption of vaccinations and the deterioration in the socio-economic situation. A service to cater for children with tuberculosis had been re-established in the capital, and vaccination campaigns had begun again. However, the acute shortage of medical staff, drugs and resources hampered efforts to combat tuberculosis and some other diseases.

29. Since 1995, Tajikistan had been implementing World Health Organization (WHO) directives on the establishment of infant mortality statistics.

30. Mr. RAJABOV (Tajikistan) said that disabled children were educated in specialized boarding schools and pre-school institutions. The International Federation of Red Cross and Red Crescent Societies had provided assistance by publishing an educational manual for use in schools. Also with its help, Tajikistan had established an orthopaedic clinic which provided disabled children with care free of charge for a period of 70 days. There, children who had lost their lower extremities during the war were supplied with artificial limbs and taught how to fit them.

31. Tajikistan pursued large-scale public awareness campaigns in an effort to combat the sexual exploitation of children. Conferences were organized in schools in order to reach those most directly concerned. Various committees, such as the Youth Committee, were authorized to receive complaints from children claiming to have had their rights violated.

32. Ms. TIGERSTEDT-TÄHTELÄ said she would like to know the status and composition of the various commissions that had been mentioned. Regarding children in care, were the local council members responsible for monitoring the situation of children placed in institutions elected or were they appointed?

33. Mr. DOEK said that, in view of the high drop-out rate in schools and the economic crisis which tended to encourage children to look for work, he would welcome more information on street children and on government policy concerning child labour.

34. Ms. KARP, referring to juvenile justice, asked whether the Government had established an annual plan to increase budgetary and human resources with a view to implementing the relevant legislation.

35. Mr. FULCI asked whether, in view of the fact that many street children were forced into prostitution, Tajikistan, like other States of the former USSR, had established a temporary rehabilitation centre for children to spend a period of 60 days and, if so, what happened to the children when that period ran out. Was it true that adolescents were often infected with sexually transmitted diseases and that the abortion rate among very young girls had risen alarmingly in Tajikistan? What measures had been taken to address that situation?

36. Ms. MOKHUANE asked whether, given that many water-borne diseases, such as typhoid, were rife in Tajikistan, and that it had not signed the London Protocol on Water and Health, the Government had adopted any environmental health measures. She would also like to know whether any difficulties had been encountered in establishing a statistical database to help in monitoring diseases and to support the health information system, and what results had been obtained. The health system was largely based on curative care, but it would be interesting to know whether there was also a preventive element. What proportion of the budget was allocated to improving the health conditions of children placed in institutions and lastly, what was the extent of mental health cover, or more precisely, how many people were there, on average, to each psychiatrist?

37. Ms. RILANTONO requested information on the country's health infrastructure, including environmental services at the local level. She said it was contradictory for Tajikistan

to indicate that it did not have sufficient resources to allocate to education while new schools were being built for gifted children, and asked whether the funds for such institutions had come from extrabudgetary sources.

38. Mr. RABAH asked whether there was a corruption problem in Tajikistan, particularly at administrative level and, if so, what caused it. What exactly was the situation regarding juvenile justice? Were children currently sent to the same prisons as adults?

39. Ms. KARP said she would like to know whether Tajikistan was considering providing financial assistance to children who had no support from their families when they left the institutions in which they had grown up. Were figures available on how often corporal punishment was used in children's care institutions? Could a child lodge a complaint against a teacher and, if so, what action was taken to follow up such complaints?

40. The CHAIRPERSON asked whether there was an integrated programme to combat poverty. She would also be interested to know to what extent Tajikistan was able to ensure that the privacy of children within families was respected. Had Tajikistan targeted young people in the implementation of its programme to combat AIDS? Had the health authorities made the link between the AIDS and the tuberculosis epidemics, which were often connected?

41. Could pregnant teenagers continue their education? How was Tajikistan helping young girls to continue their development after pregnancy?

42. Had steps been taken in Tajikistan to curb police brutality against juvenile offenders? How were juveniles treated in prison? Had Tajikistan begun to implement a drug prevention scheme to counter the rise in drug abuse among young people?

The meeting was suspended at 5.10 p.m. and resumed at 5.15 p.m.

43. Mr. RAJABOV (Tajikistan) said that, under the Constitution of the Republic of Tajikistan, the Government was authorized to establish commissions, the decisions of which were binding once their statutes (establishing their mandate and working methods) had been adopted. Generally speaking, the work of the commissions was effective because they were given extensive powers.

44. Regarding street children and child labour, the Ministry of Internal Affairs had inspectors responsible for monitoring juveniles. There was also a Department charged with combating juvenile crime.

45. There were no juvenile courts in Tajikistan, but ordinary courts dealing with juvenile criminal cases took into account the particular legal provisions applying to criminals under the age of 18. Furthermore, in criminal proceedings concerning juveniles, the psychological profile, in particular the degree of maturity, of the accused was always taken into consideration. According to the Code of Criminal Procedure, special attention must be given to a child's age, family circumstances and living conditions. Children under the age of 16 accused of an offence were allowed to be helped by a teacher. Juveniles detained while awaiting trial, which was an exceptional measure applied only for serious offences, were separated from adult prisoners and

the conditions of their detention were monitored on a daily basis. Visiting and correspondence rights were granted to the child's parents or guardian and monitoring by a teacher or psychologist was also permitted. Efforts were made to guarantee the child's right to education. However, due to a lack of resources, it was difficult to meet all the needs of detained children and to satisfy fully the relevant international standards. With regard to prevention, measures were being taken with a view to helping the children most likely to turn to crime. With the stabilization of the situation in Tajikistan, a fall in the number of offences committed by juveniles had also been detected over the previous few months.

46. There were several centres which looked after street children until it was possible to establish their identity and to find their family or place of residence, although the capacity of those centres was limited. There were also correctional facilities, which were the responsibility of the Ministry of Internal Affairs.

47. The minimum working age was 15 years. According to the Employment Code, children were not allowed to work more than 24 hours per week when they were 15 years old and 35 hours per week when they were aged between 16 and 18. Children were also prohibited from doing night work or overtime and from working in dangerous conditions. Any changes to a child's employment contract made on the initiative of the employer must be approved by the local employment commission. A child's parents or guardian and the competent authorities could intervene whenever they believed the health of the child to be in danger. The Employment Code also stipulated that children who worked while still in education were entitled to additional days off work, for instance, in order to take their exams. The issue of child protection at work was being addressed by the Attorney-General and the various bodies concerned. The transition to a market economy, however, made it difficult to enforce the relevant legal provisions. The Government was currently studying the possibility of ratifying ILO Convention No. 182 on Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.

48. Ms. SHARAPOVA (Tajikistan) said that the national vaccination programme was being implemented with assistance from the United Nations Children's Fund (UNICEF) and various donors and that, unfortunately, it would be impossible to pursue it without foreign aid.

49. A body for combating drug abuse had recently been established. The Government was also studying a draft drugs control strategy, which among other things gave priority to combating drug addiction and drugs-related crime among children and young adults. Various projects, including "Schools against Drugs", were an attempt to raise awareness among teachers and parents and to develop the role of schools in that area. Many services operating under the Ministry of Internal Affairs had been given the task of taking preventive steps to combat drug-taking, alcoholism and smoking among children, particularly by using the media. Different international organizations and NGOs had financed seminars on the problem of combating drug abuse, particularly among adolescents and women. Various studies had also been made at the local level with a view to evaluating the current situation and drugs-related assistance needs.

50. Smoking was also a matter of concern for the authorities. Many children smoked, and that included those as young as 12 and 13, which had led several Ministries to establish an inter-ministerial programme and the Government to begin to draft a law to set a minimum age for purchasing and consuming tobacco.

51. While it was true that the existing medical system tended to give priority to treatment rather than to prevention, steps had been taken to attempt to correct that situation. Classes designed to explain to children how to lead a healthy lifestyle had been introduced into schools and public awareness campaigns, for instance on television, had been carried out. There were also plans to establish a specialized department in that field at the University of Education.

52. Teenage pregnancies unfortunately led to girls dropping out of school. No measures had been adopted with a view to ensuring that young mothers could continue their education after the birth of their child. A lack of sufficient monitoring of those mothers also endangered their health. Since births were not systematically registered, it was difficult to provide precise statistics concerning the number of teenage pregnancies and abortions. On the other hand, statistics did reveal a marked increase in cases of syphilis.

53. Numerous measures had been taken over the previous few years with a view to encouraging better reproductive habits in teenagers. A national programme concerning sexual and reproductive health and reproductive rights was currently being implemented. Centres had also been established with the task of coordinating regional and local activities relating to sexual and reproductive health and providing young people with information on methods of contraception, AIDS and other sexually transmitted diseases. Some NGOs had also set up centres to give information and advice to adolescents and to train young volunteers in sexual and reproductive health matters. Working Groups including midwives and gynaecologists were currently devising classes on the subject which were due to be introduced in schools.

54. An environmental education centre had been established in Dushanbe, on the initiative of the University. Its task was to make women and young girls more aware of matters relating to the protection of the environment. In addition, in May 2000, the Government had confirmed the implementation of a national plan of action for the protection of the environment up to the year 2005, which would be coordinated by the Ministry of Health and the Regional Office of WHO for Europe.

55. Mr. RABAH welcomed the fruitful dialogue with the delegation of Tajikistan and read out in English the preliminary observations of the Committee.

56. The CHAIRPERSON also thanked the delegation and brought its attention to the amendment to article 43 of the Convention, which had yet to be ratified by Tajikistan.

The meeting rose at 6 p.m.

UNITED
NATIONS

CRC

Convention on the
Rights of the Child

Distr.
GENERAL

CRC/C/SR.655
5 October 2000

Original: ENGLISH

COMMITTEE ON THE RIGHTS OF THE CHILD

Twenty-fifth session

SUMMARY RECORD OF THE 655th MEETING

Held at the Palais Wilson, Geneva,
on Wednesday, 27 September 2000, at 10 a.m.

Chairperson: Ms. OUEDRAOGO

CONTENTS

CONSIDERATION OF REPORTS OF STATES PARTIES (continued)

Second periodic report of Colombia

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Official Records Editing Section, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of the public meetings of the Committee at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.00-44661 (E)

The meeting was called to order at 10.10 a.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 4) (continued)

Second periodic report of Colombia [CRC/C/70/Add.5; CRC/C/Q/COL/2; written replies of the Government of Colombia to the questions raised in the list of issues (document distributed in the meeting room, in Spanish without a symbol and in English as CRC/C/1(Future)12)]

1. At the invitation of the Chairperson, Mr. Reyes Rodriguez, Mr. Urrutia and Mr. Sandoval Bernal (Colombia) took places at the Committee table.

2. Mr. REYES RODRIGUEZ (Colombia) said that his country was an integral part of the international system for the promotion and protection of children's rights. It had played an active role in the negotiations that culminated in the adoption of the two Optional Protocols to the Convention, had signed both Protocols, and was commencing the ratification process. Colombia also took part in the inter-American child rights protection system, and had actively participated in negotiations concerning the relevant instruments.

3. The Colombian Constitution stipulated that the rights of children took precedence over the rights of all others, a principle reflected in the Juvenile Code, which required that the best interests of the child should supersede any other consideration. National legislation was bolstered by an institutional structure designed to provide general protection for children, with particular attention to poor, mistreated and abandoned children.

4. Since its inception, the Colombian democracy, one of the oldest on the South American continent, had held a clear vision of its commitment to promote education for children and to safeguard their interests. The Government had continually striven to expand the availability to children of education and health services, and had achieved significant reductions in child illiteracy, morbidity and mortality rates.

5. The armed conflict ravaging Colombia nevertheless affected its children, many of whom had been targets of armed bands of outlaws, in contravention of international humanitarian law. In that regard, his Government urged the international community to require those armed groups to leave children out of the conflict.

6. Mr. URRUTIA (Colombia) said that modern global society was an adult society, designed for adults and dominated by adults. Colombia had a history of democracy, institutions, and conflict, all of which had been created by adults. And yet, in the conflict currently facing Colombian society, children were suffering the most. The State which signed the Convention was obliged to defend and uphold the rights of children in their relations with an adult society that had turned its back on them. That was the view of President Pastrana's Government, whose commitment to peace, dialogue, and compromise was above all a commitment to children.

7. More than a million and a half children lived in community homes and more than 3 million breakfasts and lunches were served daily to the most disadvantaged girls and boys. Protection programmes had been expanded and improved for children whose rights had

been violated and educational programmes had been broadened and enhanced. Traditional indicators showed concrete advances in health and education. However, there were 700,000 displaced children and nearly 6,000 child soldiers, and more than 100 children had been kidnapped in 2000 alone by armed bands of outlaws. Massacres and kidnappings were greeted with protest, and then silence. All of Colombian society had fallen victim to the ravages of the armed conflict, which naturally affected the 40 per cent of the population that were children.

8. Under the circumstances, the Colombian Government had been obliged to review its children's policy, and had resolved to build a new national policy for children and families which would involve the society and the family as the State's partners in the protection of children, with the State itself acting as guarantor of their rights.

9. To that end, it had taken a number of fundamental measures. First, it had devoted a full chapter to childhood and the family in the national peace and development plan, reorganized the Colombian Family Welfare Institute, restructured the National Family Welfare System and established liaisons with NGOs working in the area of children, in particular the UNICEF-sponsored self-evaluation and quality standards protection programme. A coordinating council, made up of community mothers, had been established to oversee the community welfare homes; another had been created to ensure that adoption services fully complied with the provisions of the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption of 1993, and to facilitate adoption from a child rights point of view, with emphasis on the right of a child to have a home rather than the right of parents to have children. With a view to redressing the problem of intra-family violence, the Government had launched the National Haz Paz Plan, within the context of its reform of the National Family Welfare System. It had also established municipal social policy councils, each of which had a children's committee, in more than 200 municipalities, which sought to engage the participation of members of society and NGOs in designing programmes to redress the most urgent problems affecting children.

10. The Government had prepared for submission to the legislature a plan for a radical reform of the entire juvenile criminal system, from a protection point of view. It had designed and implemented an integral policy to respond to the impact of the armed conflict on children (which included the signing of the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict), and had supported the Rome Statute of the International Criminal Court (in particular with respect to the prosecution of the violators of children's rights). It had also halted the recruitment of children under 18 years of age into the armed forces; developed a programme to provide specialized care for children displaced or otherwise victimized or by the conflict; exhorted armed groups to cease recruiting children under 18 years of age; and urged the Revolutionary Armed Forces of Colombia (FARC) and the National Liberation Army (ELN) jointly to create programmes for the demobilization and social reintegration of child soldiers.

11. Mr. DOEK said that the Committee welcomed the timely submission of the report, and of the written replies, which had arrived soon enough to be translated. Those two documents were rich in information, and contained figures, tables and annexes detailing progress made in the area of children's rights, health and education. The written replies stated that new and significant progress had been made since the submission of the report. Indeed, the National Haz Paz Plan

had been established; the Colombian Family Welfare Institute had devoted attention to assisting street children and displaced children, and to eliminating child labour; and the recruitment of child soldiers had been banned. And yet, the social analysis contained in the report was largely based on figures dating from the first half of the 1990s, raising the question whether progress in health, education and child protection had in fact been made. He wondered what were the results of the many new plans made in the previous five years, and whether, in fact, the State party had managed to create a comprehensive and coherent national plan.

12. The El Tiempo de los Niños plan had been launched in 1995. According to the report, it had been designed to help children in a state of poverty or in especially difficult circumstances, with a view to improving their quality of life and to guaranteeing their rights to survival, protection, development and participation, and had resulted in the creation of a Children's Covenant. According to the written replies, that Covenant had set up social policy councils to coordinate programmes for children at various governmental levels. It would be useful to know whether the El Tiempo plan and the new Haz Paz plan had been coordinated, what were the functions of the councils and how many children had in fact benefited from their programmes.

13. Unfortunately, Colombia was not a typical State party. The written replies indicated that the economic crisis had worsened and that the poor were the hardest hit, causing an increase in the number of family members who worked and in the number of school dropouts, and a deterioration in health. According to various sources, the poorest 40 per cent of the population received only 10 per cent of the national income, while the richest 20 per cent received 60 per cent. Unemployment stood at 20 per cent, and the underemployment rate was 22 per cent. There were nearly 17 million children in Colombia, 39 per cent of whom lived in poverty, and almost 18 per cent in absolute poverty. There were 2.5 million child workers, 800,000 of whom were between the ages of 6 and 11. In addition, 2.5 million children of elementary school age did not take part in the educational system, and only three fifths of all children who enrolled in elementary school finished. Owing to the economic crisis, the budget for education had been decreased by 14 per cent. Twenty per cent of all children had no access to basic health services. In the previous three years, infant mortality had increased from 26 to 30 per 1,000. It was indeed the case that the social and economic circumstances in Colombia endangered the survival and development of children.

14. He requested the Government of Columbia to discuss its approach to those problems, in particular to indicate whether it had a comprehensive, coherent and consistent plan for achieving long-term and durable solutions, and whether that approach took into consideration programme coordination and mechanisms for monitoring its progress.

15. Even more disconcerting was the situation as described by the Special Representative of the Secretary-General on the impact of armed conflict on children, Mr. Olara Otunnu, who had referred to a "culture of violence" producing a widespread sense of fear, impunity and resignation in Colombian society. Between 1995 and 1998, some 835,000 people had been displaced, including more than 500,000 children. Every year some 2 million children were reportedly mistreated, including 850,000 who were severely abused. There were 25,000 children who were sexually exploited and 30,000 who lived in the street; some 2,500 were killed annually. Children were victims of socio-political violence, torture and "social cleansing". The

impunity of the perpetrators of such acts was a subject of serious concern. He would welcome comments from the delegation on the culture of violence, and especially on possibilities for the Government to combat it in a comprehensive and effective manner.

16. Colombia had reportedly ratified the International Labour Organization Minimum Age Convention, 1973 (No. 138). Had the minimum age for employment been raised from 12 to 15? The director of the department responsible for vital statistics had said that some 5 million children under 18 lacked certificates of vital statistics and were therefore not considered as legal entities. Did that mean that their births had not been registered? While it was commendable that the Government had taken measures to improve the birth registration system, it would be of interest to hear whether children lacking such certificates were in effect deprived of services, entitlements and other rights.

17. Mr. FULCI said that he disagreed with the statement by the Special Representative of the Secretary-General on the impact of armed conflict on children that Colombian society had resigned itself to a culture of violence. There was much proof to the contrary, including the presence at the current meeting of representatives of numerous Colombian NGOs which were struggling to ensure a more just society. He recalled a very touching intervention by a young Colombian girl during the ceremony held at a meeting of the Economic and Social Council to mark the tenth anniversary of the adoption of the Convention, which had been unforgettable because of the pride and courage with which it had been delivered. Colombia had played a significant role in the negotiation of the Optional Protocols to the Convention. While it faced many problems, there were many in the country who had a strong desire to set things right.

18. The Special Representative on the impact of armed conflict on children had reported having met, during a recent visit to the country, a representative of the Revolutionary Armed Forces of Colombia (FARC), who had pledged to ensure that no children under the age of 15 were recruited by that group. Had that promise been kept? The establishment of an Ombudsman's Office was commendable. Could the delegation provide any further information on its activities?

19. Had Colombian NGOs taken part in the drafting of the second periodic report? Had their views been taken into consideration? In the Committee's concluding observations on Colombia's initial report, it had expressed concern at the minimum age of employment, then 12. Had the Government taken any steps to raise the minimum age of employment? During its consideration of the initial report the Committee had expressed dissatisfaction with the use of the term "minor" instead of "child" in Colombian legislation. Had the legislation been amended accordingly?

20. Ms. EL GUINDI asked what sort of relations existed between the main Government body for the implementation of the Convention, the Colombian Family Welfare Institute (ICBF) and the various Government ministries responsible for activities related to the rights of the child. Was there a system for the monitoring of implementation? How did the Institute liaise with civil society?

21. Ms. TIGERSTEDT-TÄHTELÄ said that she fully supported Mr. Doek's analysis of the situation in Colombia. There was apparently no comprehensive legislation addressing the rights

of the child, and the political will to implement a coherent Government policy was lacking. The laws that existed often predated the Convention, and therefore did not reflect the Convention's principles and provisions.

22. The Ombudsman's Office had reportedly carried out studies and issued a number of reports. She would welcome further information on the role of that Office, such as examples of how its proposals had led to concrete, practical steps. Noting that there had been a decentralization of taxation powers and of social services, she inquired about the Government's possibilities for influencing the policies of the municipalities. Regional disparities in wealth were sometimes quite large. Were there any provisions for the equalization of resources? Had the Government considered adopting macroeconomic policies with a view to sustaining health, education and welfare policies and monitoring their progress?

23. Mr. RABAH underscored the need to make use of a large number of instruments and mechanisms in order to overcome the culture of violence and consolidate a culture of peace. It was therefore very important to make the principles of the Convention known to the children of Colombia. What role was played by NGOs in ensuring the rights of the child? Had they been involved in the drafting of the periodic report? The Government had allocated a substantial amount of resources to the military. To what extent had it provided support for children's activities, especially in the municipalities? Had it established a mechanism to make the Convention known among minority groups and children in rural areas? Various sources had reported that there were between 6 and 12 murders of children every day. Were Colombian children aware of their rights, especially the right to life?

24. Ms. RILANTONO said that although much had been done by the Government, the situation of children was worsening with every passing day. There was apparently a gap between the law and the reality of children's lives. If the ICBF were able to function properly, it would play a strategic role in promoting the rights of the child, especially as it was headed by the country's First Lady. While Colombia had a history of democracy, the gravity of the current situation raised the question whether other factors existed in society, such as a tradition of excessive obedience. Perhaps a thorough reform of the system of governance was required. The report referred to efforts to systematize the collection of data on children. She would appreciate examples of those efforts.

25. Ms. MOKHUANE asked whether the draft law on impunity would cover the perpetrators of police actions undertaken as part of the "social cleansing" policies of the past. Would the new Government continue the policies and programmes of its predecessor, many of which had been commendable, in addressing the rights of the child? How much of the State budget had been allocated to covering the needs of children, especially those of the most vulnerable groups?

26. Ms. KARP said that the new Government had reportedly accorded less importance to children's rights in its development plan than had its predecessor in the Children's Covenant. What specifically were the differences between the two policies? The defence budget had increased substantially. Had any resources been allocated to the demobilization of child soldiers from the paramilitary and guerrilla forces? How much support was provided to NGOs which engaged in such activities? According to the written replies to the list of issues, some 61 per cent

of the budget for children's services was allocated to welfare homes, and 12.4 per cent was earmarked for minors in irregular situations, meaning those deprived of families. Did the Government have a policy to prevent the disintegration of families?

27. To what extent was the budget for children's services oriented towards providing health and education services for vulnerable groups? Had anything been done to follow up the recommendations issued by the Attorney-General and the Ombudsman concerning children's rights? The main body dealing with children's issues, which pre-dated the Convention's adoption, focused on meeting the needs of children in irregular situations, and not on the implementation of the rights of the child and the Convention's principles in general. How were the Convention's principles integrated into the strategies of that body?

28. Mr. URRUTIA (Colombia) said that the worsening of the economic situation in Colombia stemmed not only from the political situation in the country, but also from the deterioration of the world economic situation, as a result of which the poorest countries were becoming increasingly poor while the wealthiest countries became richer. The number of children in the poor countries was rising, while it was declining in the wealthier States. In the world as a whole, most children were poor. It was for the international community to accept that reality, which called for a fresh look at development, globalization and economic recovery from the standpoint of children's rights. Economic recovery in countries such as Colombia required a basic commitment by the wealthier States to adopt development models which ensured that modernization took place in a humane manner. Economic modernization must not be equated with a concentration of wealth through globalization. It must not mean depriving the poorest countries of agricultural subsidies. The welfare of many children depended to a very large extent on international market access for the products of such countries.

29. While Colombia did have a culture of violence, it also had a culture of peace and coexistence. The international community must face the fact that the worsening of the violence in Colombia had roots outside of the country. The increase in the consumption of drugs in wealthy countries generated income for many of the armed groups in Colombia. The drug trade fuelled the armed conflict, as did the trade in light weapons manufactured in the wealthy countries. The culture of peace which the international community was calling for in Colombia must be a part of a new culture of peace in the international community as a whole.

30. Of course, it was for the Government to improve conditions for the country's development and reduce poverty and exclusion in society. It was trying to put its house in order and to address the needs of the most disadvantaged members of society. Economic recovery in Colombia would require a major effort of tax reform. If the reform was not carried out together with measures to mitigate its adverse effects, vulnerable population sectors might find themselves in extremely dire straits. Economic restructuring and tax reform were vital to the construction of a viable society.

31. Although fiscal reform had necessitated a drop in public expenditure in many areas, in recent years social spending on children's health, education and welfare had increased in absolute terms. The Colombian Government relied on several welfare-based actions to mitigate the effects of the crisis on social services. One was the conditional subsidies programme, which provided for monthly payments to the neediest families, through the National Family Welfare

System. The programme had been assigned a budget of US$ 450 million over a three-year period. Such assistance was part of an agreement between the families and the Government, whereby the former undertook to keep their children in the school system and ensure that they made use of the basic health-care plan carried out at health centres. The families must also attend training courses on children's rights, especially those relating to child abuse in the home. The programme was to be launched in four municipalities in October and would be extended to the 400 poorest municipalities by July 2001.

32. A major component of the food and nutrition programmes was food security, for which the authorities had already allocated adequate resources. Under a cofinancing agreement with the municipalities, it provided total coverage for 6 million schoolchildren suffering from food deficiency, which was one of the reasons which caused them to drop out of school. The National Council for Economic and Social Policy had recently approved a comprehensive strategy for dealing with displaced persons. It had the difficult task of establishing conditions to enable displaced children to attend school, which called for the restructuring of the resource allocation system.

33. Education funding was decentralized to the municipalities, which meant that when pupils and teachers were displaced, their original municipalities usually held onto the funds. The system should be centralized once more, which could make it possible for those funds to be used to establish schools in the host areas and to enable the teachers to continue with the task they had performed before being displaced. On presentation to the appropriate welfare service of documents attesting to their displacement, children under the age of 17 were given immediate access to comprehensive education and health-care services in any municipality. Under the school food and nutrition programmes, vouchers were established for displaced children in school and community canteens, and they were helped to integrate into the host communities through normal municipal children's programmes.

34. The Children's Covenant was essentially a Government policy since civil society - including NGOs - had not been specifically involved. Both the State and society were now involved in the national child-rights policy in order to ensure continuity. The indicators developed for the preparation of the Children's Covenant, however, were still valid.

35. Thanks to the establishment of the Children's Covenant, the ICBF modernization exercise had included a special cofinancing mechanism involving the municipalities, which had increased the budget earmarked at the individual State level for implementing fundamental child programmes by 30 per cent. On the recommendation of the social policy councils, municipal resources had been earmarked for child programmes, whereas until 1998 ICBF had provided 95 per cent of such funds, erroneously considering itself to have exclusive control over child policy.

36. Turning to the culture of violence prevailing in Colombia, he said emphasis should be placed on the investigation and prosecution of human rights violators. The current Government, with support from international organizations and the Office of the Ombudsman, had carried out a sweeping reform of the legislation relating to domestic violence against children. It imposed heavier penalties on the most serious offenders, but it also provided for less recourse to the courts with peaceful settlements sought in cases of domestic violence in the hope of changing

behaviour. Excessive legislation could lead to the alienation of women and children within the household. They should be encouraged to report violations and seek help initially, but if attempts at a peaceful settlement failed they should also receive adequate support in ensuring that systematic child-rights violators were punished.

37. Colombia had not given in to the culture of violence. On the contrary, in its commitment to dialogue, consultation and negotiation, it had set up a mechanism for coordination with the Attorney-General's Office and the Office of the Ombudsman. A woman representative of the Division for the Rights of Children, Women and Senior Citizens had been appointed to liaise with ICBF on all actions for promoting a culture of non-violence and civilized treatment.

38. Colombia's second periodic report had been submitted without consultation of Congress or the NGOs. However, on the Committee's recommendation, there had been broad - although by no means methodical - consultation for the preparation of the written replies to the questions on the list of issues. The report had been presented to the seventh session of the Senate and the House in August. Mechanisms were being put in place to involve all of society in child rights protection, in order to ensure continuity.

39. The minimum age of employment had been raised from 12 to 14. While the State was fully committed to finding alternative ways of eradicating exploitation of child labour, it would be unrealistic to expect too much in the space of five years. Also, the State was focusing on the elimination of the worst forms of child labour, without which the other forms could not be seriously addressed. It was simultaneously addressing exploitation of child labour, sexual exploitation and the violation of international humanitarian law, all of which were inherent in the involvement of boys and girls in armed conflict.

40. To a question by Ms. El Guindi he replied that Colombia's First Lady was president of the ICBF's governing council. However, it was not really for a First Lady to dictate human rights policy, although her involvement might increase awareness of its importance. Government human-rights promotion agencies needed to be strengthened. It was the task of society as a whole, through concerted action and policies of the ministries, mayors and other authorities, to establish community-wide strategies.

41. Obstacles had been encountered in reforming the criminal liability aspect of the Juvenile Code. It had been viewed by some as a Government-led reform aimed surreptitiously at restructuring ICBF by reducing certain powers and abolishing posts; hence the negative reaction in many quarters. The problem had been resolved with the delegation to the Ombudsman's Office of responsibility for the human rights aspects of the Code. As the Code pre-dated, and conflicted with, the Convention, it had been amended not by the Government but by Colombian society as a whole, with input from NGOs, international organizations such as UNICEF and the Office of the Ombudsman, and a coordinated text had been produced for presentation to Congress. The role of ICBF, the coordinator of the national welfare system, had been to support and discuss the process.

42. Turning to decentralization, he said that the fiscal system provided for a resource allocation mechanism that took a series of economic and social indicators into account in

assigning resources countrywide. Administration of the process had previously been a matter for the local governments which assigned resources in such a way as to ensure a proper balance, but that system did not necessarily alleviate the municipalities' and regions' social situation. Colombia was currently negotiating with Congress a far-reaching reform of the entire fiscal system. The child protection budget was not provided entirely from the national budget; 60 to 70 per cent of it derived from a parafiscal tax assigned directly by ICBF as the linchpin of the system.

43. Resources were being reallocated on the following basis: 60 per cent would be devoted to a risk map of all the municipalities, prepared by their social policy councils, highlighting the areas where social investment programmes for children were most urgently needed. Twenty per cent would be used for a cofinancing arrangement with the municipalities covering conditional subsidies, community welfare homes and school canteens, and the remaining 20 per cent was to be disbursed on an equitable basis in the poorest municipalities.

44. The process called for the development of follow-up and implementation indicators. For instance, it was pointless to say that a birth registration programme was in place with no indicators of the time taken or the number of births registered. Similarly, it had to be specified which municipalities would benefit from an expansion of the school canteen programme. Local objectives, therefore, had to include the development of specific macro-economic indicators and fiscal adjustments had to result in reorganized spending which would finance specific projects and municipalities. The Government's goal was to raise from 35 to 300, by 2002, the number of municipalities with full coverage for primary education and school canteens and to provide all of the poorest families with State subsidies to help them to cope with the economic decline. The programmes must be coordinated on a democratic basis, with the involvement of civil society, NGOs and children.

45. In answer to a question about investment, the culture of peace, NGO participation and cooperation, he cited the example of the 1999 earthquake, which had destroyed a large part of the coffee industry. The Government had resisted the temptation to finance its policies using international funds given for the purpose of rebuilding the industry, choosing instead to embark on the reconstruction process in cooperation with NGOs. As a result, most of the reconstruction was expected to be completed by the end of 2000. The lessons learned from that example would be transferred to the discussions on children's rights, especially with regard to the culture of peace.

46. There was no "social cleansing" policy in Colombia, although it could not be denied that such incidents had occurred. The State was seriously engaged in a process aimed at achieving respect for human rights, in society at large and within the armed forces, which had committed themselves to that goal. Investigations were being conducted into the involvement of State officials in acts or omissions which could be qualified as "social cleansing".

47. Concerning the size of the armed forces budget, $4 billion, he said that Colombia was not a militarized State but a country suffering from an internal conflict heavily financed by the drug trade. While the armed forces were expected to respect human rights, they also had to be forceful enough to confront the real threat of armed groups. It was important to note, however,

that $1.2 billion had also been invested in the promotion and protection of human rights, in addition to $1.5 billion earmarked by the Ministries of Health and Education for the protection of children and the family.

48. "Bienestar" would be more aptly translated as "well-being" than "welfare" in English, as the Government's aim was to implement policies that would make children and families "well". For 30 years, the kinds of investment that had been made were more inclined towards a "welfare" or assistance system, but to move from that to providing for people's "well-being", considerable changes in paradigm had to be introduced. An approach focusing on children in "irregular situations" would have to be abandoned in favour of one of "full protection" of children, and considerable resources would have to be devoted to prevention.

49. The reform of the Juvenile Code was being spearheaded by the Family Ombudsman and the reform of the act on intra-family violence had been carried out jointly by the Attorney-General's Office, Congress, the Government and NGOs. Children who had re-entered the school system after the conflict had been treated as offenders rather than victims. Acting on an NGO proposal, the Government had introduced three rehabilitation programmes involving 120 children. The programmes were based on the premise that the children were "special cases", rather than offenders, an element that had also been introduced into the Juvenile Code.

50. In reply to Mr. Doek, he said that civil and vital statistics registration were a question of culture but that conditions had to be created to allow parents to register their children. Vital statistics registration fell under the responsibility of the System for the Selection of Beneficiaries of Social Investment Projects (SISBEN). However, because a large number of children were absent from SISBEN, State health sector subsidies were channelled through the ICBF.

51. At the meeting with Mr. Otunnu, the Revolutionary Armed Forces of Colombia (FARC) had pledged to discontinue recruiting under-15-year-olds. Unfortunately, the Commander-General of the FARC had not abided by his commitments and youths under 15 were still being recruited as combatants.

52. Mr. DOEK said that he had no doubt that the Government of Colombia was committed to converting a culture of violence into one of peace; as the delegation had rightly pointed out, the Government needed the assistance of the international community in undertaking that task.

53. He would like to know the sources of funds, their destination and the criteria for determining it, the beneficiaries, how the funds were channelled and by whom. Although the increase in local government involvement was a positive step, it did not discharge the State from its responsibility to establish a system which would set the right priorities and seek to prevent disparities.

54. With regard to combating violence, the focus seemed to be on investigating and prosecuting abuse within the family; he would welcome information on the investigation and prosecution of acts of "social cleansing". He would also like to know the number of

investigations conducted and sentences imposed and the number of cases in which compensation had been offered to victims' families. Concerning action to combat the drug trade, he agreed that attention should be paid both to consumers and suppliers.

55. He was not certain whether the community mothers were supported by the Government or by the community and would appreciate further information on their role. Did the delegation have specific information on displaced children? Did families receive health-care assistance and assistance in returning to their original homes, if they so desired, with the appropriate services needed to re-establish them?

56. Ms. KARP said she would like to know whether the Juvenile Code reform bill would reflect the recommendations made by the Attorney-General. She wondered whether the bill reflected the Convention's general principles of making observance of children's rights the responsibility of the public at large and not just the State. Were parents, in particular, reluctant to change the status quo and move towards a new approach to children's rights? She welcomed the efforts to introduce real reforms into the juvenile justice system and the attempts to create a balanced view of children as both offenders and persons at risk. However, the fact that juvenile judges were attached to the ICBF meant that they lacked independence; did the legislative reform include provisions for making the judiciary independent? She would like to know how responsibilities were shared between the Government and NGOs and whether NGOs were very active. Perhaps the Government was too dependent on NGOs, whereas children's issues were primarily its responsibility.

The meeting rose at 1 p.m.

UNITED NATIONS

CRC

Convention on the Rights of the Child

Distr.
GENERAL

CRC/C/SR.656
9 February 2001

ENGLISH
Original: FRENCH

COMMITTEE ON THE RIGHTS OF THE CHILD

Twenty-fifth session

SUMMARY RECORD OF THE 656th MEETING

Held at the Palais Wilson, Geneva,
on Wednesday, 27 September 2000, at 3 p.m.

Chairperson: Ms. OUEDRAOGO

CONTENTS

CONSIDERATION OF REPORTS OF STATES PARTIES (continued)

Second periodic report of Colombia (continued)

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Official Records Editing Section, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of the public meetings of the Committee at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.00-44700 (E)

The meeting was called to order at 3 p.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 4) (continued)

Second periodic report of Colombia (continued) (CRC/C/70/Add.5; CRC/C/Q/COL/2 (list of issues); written reply of Colombia to the Committee's questions (document without a symbol distributed at the meeting in Spanish and English))

1. At the invitation of the Chairperson, the members of the delegation of Colombia resumed places at the Committee table.

2. Ms. EL GUINDI asked whether measures were being taken to facilitate the registration of children at birth, as there were approximately 5 million children who had reportedly not been registered. What action did the Government intend to take in order to reduce the disparities between urban and rural areas, in particular concerning mortality and malnutrition, which were higher in rural areas?

3. Mr. RABAH asked whether non-governmental organizations (NGOs) had been involved in drafting the country's report and whether the Convention was disseminated to minority groups and in isolated mountain regions. In what ways did the Government combat child labour, and how was it attempting to reduce the school drop-out rate: about half of primary school children dropped out in order to work in the fields, including coca plantations, where their health was seriously jeopardized. Lastly, was the Government working with NGOs which defended children's rights?

4. Ms. TIGERSTEDT-TÄHTELÄ requested information on the financing of the Colombian Family Welfare Institute (ICBF).

5. Mr. FULCI noted that the Colombian Government and the Revolutionary Armed Forces of Colombia (FARC) had undertaken a commitment with the Special Representative of the United Nations Secretary-General to give high priority in the peace process to meeting the needs of children and to their protection. In addition, the Government had promised to cease enlisting children under the age of 18, and FARC had committed itself to ending the recruitment and use of children under 15. FARC had apparently not kept its promise; it would be interesting to know whether that had had any consequences on the work of the special tripartite team comprising representatives of the Government, the United Nations and FARC, which had the task of responding to urgent humanitarian needs, especially those of women and children in the demilitarized zone.

6. He inquired about the situation of black and indigenous Colombians, who apparently were more affected by the violence and encountered more difficulties in gaining access to health and educational services than the rest of the population.

7. Mr. URRUTIA (Colombia) said that in 2001 the National Family Welfare System (SNBF) would have a budget of $543 million, $450 million of which would come from an additional levy of 3 per cent on wages, $75 million from family allowance funds and $18 million

from the State budget. In addition, the municipalities would make a contribution amounting to some $5 million. Measures were being taken to overcome inequality in access to health care between rural and urban areas.

8. As part of its peace policy ("Haz Paz"), the Government was making serious efforts to prevent the violence that occurred on a daily basis and assist its victims. It was also making considerable efforts to punish the perpetrators of organized violence. At the same time, it was taking action, with the help of judges, the Office of the Ombudsman and the entire judiciary, to foster a culture of human rights so as to prevent violence.

9. Colombia had some 82,000 community shelters which provided protection, care and food to nearly 1.5 million children each year. Efforts were currently under way to increase the income of the mothers who managed the shelters, to improve facilities and to provide training for the mothers, some of whom had not even finished primary school.

10. Working with NGOs, the State provided emergency assistance for 90 days to recently displaced people. Once registered, they received a document entitling them to various services: food, housing, health services and children's education. If such persons were unable to return to their homes by the end of the 90 days, for example because the homes were located in conflict zones, they were resettled permanently. Resettlement programmes included two main themes: access to health services, education and the early childhood protection system, and the initiation of work activities with the help of NGOs. Furthermore, with support from the United Nations Children's Fund (UNICEF), the Ministry of Culture and various NGOs, programmes were carried out to assist displaced persons, particularly children, in restoring their psychological balance and overcoming the trauma of displacement.

11. Any revision of the legislation on children or reorganization of the National Family Welfare System (SNBF) took into account the recommendations of the Office of the Procurator General of the Nation, in particular its Division for the Protection of Minors and the Family. In 1988 an attempt at legislative reform had failed because the Government had tried to rush it through; to avoid such situations it currently restricted itself to creating favourable conditions for such a reform, which should be the result of discussions in civil society and consultation with all the personnel concerned.

12. Concerning minors in conflict with the law, it must be acknowledged that the Family Ombudsman, who was responsible for helping juvenile offenders, could be subject to pressure from his parent body, ICBF, and therefore ran the risk of being both judge and judged. It was necessary to reform the system of criminal responsibility by separating judicial measures from administrative protection measures, which were within the province of the executive branch.

13. While the Government had abided by its commitment to cease enlistment of persons under 18, FARC was indeed continuing to enlist children under 15. Recently, the UNICEF permanent representative in Colombia and Venezuela had asked FARC to respect its commitments. There was no doubt that rebel groups and NGOs must be involved in the preparation and implementation of a demobilization plan.

14. Registration of children at birth had not yet gained acceptance in Colombia, which was why an extensive information campaign had been launched to encourage parents to register their children. Whenever a child began to receive a State service, such as schooling or health care, the staff involved checked to see whether the child had been registered, and, if not, asked the parents to do so.

15. To combat marginalization in isolated rural areas, the Government had set up a National Food and Nutrition Plan. Its aim was to achieve food security, not by distributing food free of charge but by teaching the people how to grow certain highly nutritious indigenous plants such as beans and quinoa.

16. While the advisory role of NGOs had so far been extremely limited, the Government intended to begin involving them in the organization, supervision and assessment of social programmes. The corruption and political interests which blocked the implementation of programmes should thus give way to transparency.

17. The Government considered the use of children in producing illegal crops to be one of the worst forms of child labour. The National Plan for the Development of Alternative Crops was aimed at fostering sources of income other than illegal crops in the most affected areas, thus ensuring children's development and enabling them to reintegrate into the education system.

18. Colombia attached a great deal of importance to respect for the child's opinion. Children were involved in the bimonthly review of the activities of ICBF, and during a meeting in 1999 held under the auspices of the Council of Ministers, some 150 young Colombians had expressed their concerns to the Government and had indicated what they would like to see change in the next 10 years.

19. The Government had also set up a programme under which mothers chosen at the community level pledged, in exchange for a monthly allowance to cover their children's food needs and tuition, to keep their children in school, consult the health services regularly and follow their advice, and take part in monthly training sessions on various subjects, such as food safety. In order to reduce the drop-out rate among girls, the Government was considering granting increased allowances to families in which girls continued their education after primary school rather than seek work.

20. Although black Colombians had been the first to be affected by population displacement, it now affected all Colombians regardless of ethnic background or social status. The Social Solidarity Network distributed resources on the basis of demographic statistics, and gave preference to the most vulnerable groups, including ethnic minorities, children and the elderly. The Colombian Constitution granted more rights to indigenous populations than the rest of the population. Any draft legislation must be submitted to indigenous groups for their opinion. The submission of the draft legislation on children to those communities had in fact created certain difficulties, as they tended, due to their culture, to be unaware of a number of children's rights and did not appear to find the draft legislation acceptable. The Government therefore intended to begin negotiations with those communities.

21. Ms. RILANTONO noted with satisfaction that a national health insurance scheme had been put in place. Given that not all births were registered, she asked what percentage of the population was covered by the scheme. Although the health insurance programme had been decentralized, according to the World Health Organization (WHO) major disparities in access to health care persisted among the regions, and it would be of interest to receive more information in that regard. According to WHO, teenagers had limited access to reproductive health services, and the abortion rate among very young girls was high; that was a serious public health problem and she asked what the Government was doing to address it. While Colombia had acceded to the International Code of Marketing of Breast-Milk Substitutes, many products of that kind were apparently being reintroduced into the country; she would appreciate further information in that connection.

22. Ms. MOKHUANE, noting that the suicide rate among children under 15 was very high, asked whether the Government had set up a suicide prevention programme. What solutions were available to teenagers in the event of undesired pregnancies, particularly pregnancies resulting from rape, as abortion was illegal? What measures had the Government taken to combat drug addiction, and had it set up follow-up and evaluation mechanisms to determine whether they had had an effect? Lastly, how were services for handicapped children coordinated?

23. Mr. RABAH asked how the rehabilitation centres for children in conflict with the law operated and whether they were akin to detention centres. He would also like to know whether Colombia had established a legal aid system, whether juvenile offenders were counselled by social workers between the commission of the offence and the trial and whether training seminars were held for lawyers, policemen, judges and social workers. Lastly, were there any separate detention centres for girls, and did they have a rehabilitation programme to foster their integration into society?

24. Mr. DOEK asked what programmes the Government had set up since 1995 to assist abused and neglected children, of whom there were reportedly some 800,000. According to ICBF statistics, there was a serious shortage of space in institutions caring for children and teenagers without families and for those who were at risk, or who had been victims, of sexual abuse. More information on abandoned and neglected children placed in rehabilitation centres, most of which were closed centres, would be welcome, as such children were not offenders and it had to be asked whether they deserved such treatment. A survey carried out in Colombian institutions in 1990 had shown that the procedure for returning children to their families was seriously flawed, as the families' lawyers apparently did not observe administrative procedures, thus delaying the settlement of such cases. What measures was the Colombian Government taking to correct that situation?

25. There were also serious deficiencies in the juvenile prison system: apart from overcrowding, there were also flagrant violations of human rights, such as ill-treatment and sexual abuse against minors. The "reflection rooms" were clearly comparable to solitary confinement blocks where children languished in dark, wet cells without toilets. The Colombian Government should take action to correct that situation, as the treatment inflicted on children in those institutions could be qualified as cruel and degrading. It would also be useful to have further information on the situation of disabled children in institutions.

26. Ms. KARP asked whether there were any plans to allocate resources to the NGOs which had been given new responsibilities by the Government. Did the Colombian Constitution recognize the right of children to be heard in any judicial or administrative procedures which affected them? Concerning juvenile justice, she asked whether the Government had planned to appropriate funds for the construction of new establishments. Had awareness campaigns been carried out to encourage parents to refrain from corporal punishment? Was there a law prohibiting trafficking in persons for prostitution or other reaons? Lastly, why did certain provisions of the new Penal Code which addressed sexual abuse specifically refer to the state of emergency and to the armed conflict?

27. Ms. TIGERSTEDT-TÄHTELÄ noted that according to the press, 25 per cent of the resources allocated to Plan Colombia had been devoted to development activities, including human rights, while 75 per cent was used to bolster the military's activities against the guerrillas and drug traffickers. How did that plan, which received international assistance, fit into the peace process?

28. Mr. URRUTIA said that children under one year old had access to health care under the national social security system with no documentation required. Regional disparities in access to health care were to a great extent the result of the decentralization process, which nonetheless must continue. Various measures had been taken, however, to correct for inequalities resulting from poor resource management in certain regions. The Government hoped to achieve its objective of comprehensive health coverage of the population by 2002 despite the difficulty in gaining access to the areas of armed conflict.

29. While no specific mechanism ensured access for teenagers to specialized reproductive health services, progress had been made in that field. Currently, 99.5 per cent of women were aware of contraceptive techniques, and 77 per cent used them. Certain population groups remained poorly informed, however, and teenage pregnancy and the propagation of sexually transmittable diseases were serious problems. Efforts were currently under way to create special programmes to deal with them. Reproductive health centres designed specifically for young people had been set up in cooperation with Profamilia. In order to limit the number of illegal abortions, measures had been taken to provide services for pregnant teenagers, to help them carry their children to term in proper conditions. Family planning centres encouraged implantation of intra-uterine devices immediately after delivery. Protection of pregnant teenagers was all the more important as early pregnancies involved greater risks, which explained the increase in maternal mortality in the country. The younger the mother, the more she would be marginalized and would encounter difficulties in obtaining obstetric care. Some provisions had been made to remedy that situation, but prevention activities were still inadequate.

30. ICBF's efforts to prevent suicide by minors focused on the provision of psychological assistance for children in difficulty.

31. The Act on violence within the family and the "Haz Paz" programme made it possible to provide better care for victims of sexual abuse and for sexual offenders. Specialized centres which received complaints of sexual abuse had been set up in several cities. Each centre worked with a judge, a doctor and a multidisciplinary team comprising a family ombudsman, a

psychologist and a social worker, which immediately began the process of psychological and social reintegration of the victim. When the case was brought before a court, the judge had to accept a complaint filed with a centre as evidence, thus obviating the need for the child to testify a second time. The case of the perpetrator too was immediately taken up with a view to reintegration, without prejudice to the course of the judicial proceedings and the penalties incurred.

32. The measures and the results listed in the table in paragraph 204 of the report described only one aspect of the State's work. Protecting victims was not enough. Therefore, some programmes, such as "Haz Paz" emphasized prevention, and the amount earmarked to activities to reduce the number and frequency of ill-treatment and sexual abuse had increased.

33. Significant improvements had been made to the juvenile justice system, in particular with the appointment of family judges and the establishment of family commissions. The most innovative measure had been the adoption of the self-evaluation and quality standards protection programme. However, the penal system was still not in conformity with the provisions of the Convention, as the so-called special protection measures for juvenile offenders in reality deprived them of their liberty. To solve that problem, it would be necessary to revise the Code to remove judicial functions from the purview of the family ombudsmen, so that they would cease to be both judge and judged. A Constitutional Court judgement provided that all children had the right to be assisted by a public defender (who would thus be independent of ICBF), failing which any judgement would be set aside on procedural grounds.

34. Girl and boy offenders were placed in separate detention centres, but there were not yet any police stations specifically for children. When arrested juvenile defendants were brought to the police station, unless the offence was a minor one, in which case the police generally took the offender to a special accommodation centre. The possibility was currently under consideration of bringing arrested children directly to such centres rather than to police stations, where they were sometimes held for more than the eight hours authorized by the regulations.

35. The public call for tenders that was to be issued in December 2000 with a view to concluding contracts with children's institutions included aspects of the self-evaluation and quality standards protection programme as the most important criterion was not the number of places available but the number of children protected. Similarly, the institutions in question would not be evaluated on the basis of the length of stay of each child, but on the basis of the quality of care and services. When considering the statistics, it should be kept in mind that the same place might be occupied by several children in the course of a year. Such turnover was heavier in foster families than in child welfare institutions because placement of children was more lucrative for the latter, which therefore had an interest in making each child's stay last as long as possible. Measures must be taken to ensure that child welfare did not become a business. The increase in the overall number of places was an achievement from the protection point of view but it also reflected the inadequacy of preventive measures. The aim should be to reduce demand for places. In addition, there had been unjustifiably long administrative delays in some cases, which was unacceptable. That was why the standards for the evaluation of family ombudsmen had been set on the basis of the time required to solve each case.

36. Under the call for tenders system, 90 per cent of the funds allocated to Child Welfare was channelled through NGOs, and most of the SNBF budget was earmarked at the end of the year for the following year. Efforts were being made to make that system more flexible so as to accommodate new proposals by NGOs, which also wanted access to those funds. The relationship between the State and NGOs was a strategic one and was not in the least paternalistic: NGOs needed funding and the Government needed their work.

37. It was not easy to evaluate precisely the amount of resources needed for the demobilization of children, as the extent of the problem was still unknown. According to current estimates, about 6,000 children were combatants, but how could the cost of their reintegration be assessed? Every year, $4 million was allocated for child victims of the armed conflict, including children who had been demobilized. The Government and NGOs had begun consideration of the problem of demobilization, but had not yet decided how to go about it in concrete terms.

38. Participation of children was a complex subject. Since the signing of the Convention, children's participation had been called for on numerous occasions, but at times in a manipulative way. Participation must first and foremost be something the children themselves wanted. The goal for adults was to learn to listen. The Network of Cultural Organizations for Children (ROCIN) established four years earlier, had had the most success. In December 2000 a cultural summit for children would be held on the topic of peace. One hundred and fifty children would be able to hold constructive discussions with adults and take part in local peace activities. One of the criteria applied to schools in the recently-adopted quality standards was participation by children.

39. Corporal punishment was criminalized under Act No. 509 of 1999. The State had taken measures against corporal punishment in school by setting up a complaints mechanism. In cases of family violence, conciliation was often preferable to prison sentences, because it was educational and did not deprive children of the care and attention they needed. Parents continued to resort to corporal punishment because they believed it was an effective means of correcting a child's behaviour so that he or she would become a socially-accepted adult. In such a context prohibition would not suffice, and efforts should aim at changing attitudes. The Government had therefore launched an awareness campaign to make parents understand that corporal punishment was not part of a good upbringing, and that it was more effective to help children become aware of their responsibilities and correct their mistakes.. As part of that campaign, launched in early 2000, a message calling on the population to report cases of abuse was broadcast daily on all television stations. In addition, a hotline was in operation around the clock to receive calls from women and children who were victims of abuse. While police intervention could be requested, the hotline's main purpose was to provide immediate psychological support.

40. Colombia had adopted domestic laws against trafficking in persons, and had signed all the international instruments on the subject. Congress was currently considering ratification of the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others.

41. Plan Colombia had been misunderstood by the international community. It did not consist of assistance exclusively from the United States for Colombia, but was a system of

foreign aid administered by the Peace Investment Fund, to which Colombians had themselves contributed through special taxes. Three quarters of the funds were earmarked for replacement and eradication of illegal crops, and one quarter was used to finance social services.

42. Neighbouring States had expressed concern about the consequences that Plan Colombia might have for them, especially concerning the transfer of drug production, hence of guerrilla activities to their territories. The Colombian Government had assured those States that the eradication of illegal crops in south-eastern Colombia would be accompanied by measures to lessen possible negative impact.

43. Faced with an alarming increase in the consumption of drugs in Colombia, the Government had launched a programme to coordinate the work of all public bodies working in the area of prevention and treatment of drug addiction. One part of the programme targeted youths and street children, who were given appropriate care in specialized centres run by ICBF. Child drug addicts who had broken the law were placed in specialized treatment and reintegration institutions. With regard to prevention, an awareness campaign had been launched in the media and in schools to promote healthy lifestyles.

44. The State had made meeting the medical needs of disabled people one of the priorities of social security and health legislation. ICBF was under the obligation to protect disabled persons whose rights were violated by those responsible for them. In the event of abandonment, abuse or neglect, disabled children were placed in specialized institutions. Working with ICBF, an interministerial Committee regularly took stock of care programmes for disabled children in order to ensure that the children's rights were respected. ICBF also provided financial support for a home for the deaf and blind, and for training mothers in detecting certain disabilities. NGOs worked in close cooperation with ICBF to care for the disabled.

45. As part of the national food and nutrition plan, ICBF actively encouraged breastfeeding, the average duration of which was six months.

46. Ms. EL GUINDI asked whether any details had emerged about an incident reported in the media two years before, in which the Colombian police had allegedly opened fire on street children.

47. Mr. URRUTIA (Colombia) said he did not know whether the responsibility of the police had been established. In any event, for three years the police had made immense efforts to ensure that human rights were respected, and especially to help street children.

48. Mr. DOEK read out, in English, the Committee's draft concluding observations.

49. The CHAIRPERSON noted with satisfaction that Colombia had presented its periodic report on time and had ratified article 43 of the Convention and the two Optional Protocols.

The meeting rose at 6 p.m.

UNITED NATIONS

CRC

Convention on the Rights of the Child

Distr.
GENERAL

CRC/C/SR.657
9 October 2000

Original: ENGLISH

COMMITTEE ON THE RIGHTS OF THE CHILD

Twenty-fifth session

SUMMARY RECORD OF THE 657th MEETING

Held at the Palais Wilson, Geneva,
on Thursday, 28 September 2000, at 10 a.m.

Chairperson: Mr. RABAH
(Vice-Chairperson)

CONTENTS

CONSIDERATION OF REPORTS OF STATES PARTIES (continued)

Initial report of the Central African Republic

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Official Records Editing Section, room E.4108, Palais Des Nations, Geneva.

Any corrections to the records of the public meetings of the Committee at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.00-44665 (E)

The meeting was called to order at 10.10 a.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 4) (continued)

Initial report of the Central African Republic (CRC/C/11/Add.18; HRI/CORE/1/Add.100; CRC/C/Q/CAR/1; CRC/C/1/(Future)11)

1. At the invitation of the Chairperson, Ms. Dea, Mr. Dibert Dollet, Mr. Samba, Mr. Morombaye Tony, Ms. Sapho and Mr. Adjibade (Central African Republic) took places at the Committee table.

2. Ms. DEA (Central African Republic) said that the Central African Republic had ratified the Convention in 1992, but had only submitted its initial report in 1998. To a great extent, that delay had been due to the two years of social and political upheaval which the country had experienced. Immediately after ratification, the Government had taken a number of steps to implement the Convention, including the adoption of a National Plan of Action for the Survival, Protection and Development of Children, the establishment of a National Committee to monitor application of the Convention, the organization of States General on Education and Training and of States General of Children and Youth, the holding of a Children in Difficulty Week and the creation of a committee responsible for arranging the adoption of children. More recently, it had set up a Children's Parliament, adopted the Family Code Law and established a committee against trafficking in children. The Government had also ratified several international human rights instruments.

3. Progress had been made in a number of areas. Polio and dracunculiasis had nearly been eradicated, and intensive campaigns had been conducted to overcome iodine deficiencies, diarrhoeal diseases and malaria. Breast feeding and child spacing had been encouraged, and access to drinking water, basic medicines and primary health care had improved. The right to education was guaranteed for all children by an act adopted in 1997, and considerable effort had been made to build schools, although the situation was still far from satisfactory. The judicial system had been reformed and a juvenile court established, and certain structures such as the Children's Parliament and Child Ambassadors for Peace had been set up to foster children's participation in society.

4. Because of material constraints, the State's efforts, which enjoyed the support of non-governmental organizations (NGOs) and development partners, were insufficient. Public information on human rights was not easy to provide, especially for the most disadvantaged and vulnerable groups living in rural areas, where customary law still took precedence over positive law. The lack of social and economic integration and of access to health care for such populations was a subject of concern.

5. The only juvenile court established so far was located in the capital. No children's prisons existed, and the training of specialists such as children's judges, specialized teachers and psychologists had encountered serious problems.

6. In that context, the Government's main challenges were to fight poverty and ignorance, to reduce the infant and child mortality rates, to overcome social and cultural backwardness and to reintegrate street children. The Government had identified a number of measures, including the development of information, education and communication on the rights of the child, the promotion of school attendance among the most disadvantaged children, in particular girls, access to health care and the training of staff in appropriate techniques for the provision of special protection when it was required. It was necessary to strengthen the National Committee and its local branches, to support NGOs working in rural areas and to set up a database on children requiring special protection. The Central African Republic was currently undergoing a difficult period, which was having a negative influence on the Government's political will to implement the Convention. In such circumstances it was all the more important to commend the work done jointly with the United Nations Children's Fund (UNICEF) and other agencies to help the country meet its commitments.

7. Ms. OUEDRAOGO, having commended the State party for sending a high-level delegation which included a representative of civil society, noted that the initial report was clear and precise, and generally followed the guidelines established by the Committee. The report, which offered detailed information on the legislation adopted and the problems encountered in implementing it, conveyed a clear understanding of how the Convention was applied. However, it had several shortcomings. It did not mention freedom of association and peaceful assembly, nor did it address questions related to an adequate standard of living; drug abuse; sexual abuse and exploitation; the abduction, sale and trafficking of children; other forms of exploitation and the situation of children in minority or indigenous groups. HIV/AIDS and education were not given sufficient attention, and insufficient information was included on juvenile courts, the activities of the Ambassadors for Peace and the States General of Children and Youth. There was no information on the dissemination of the Convention or on the concrete results of measures taken in the fields of education and health.

8. The report's conclusions provided a very objective summary of the implementation of the Convention and the main achievements concerning the rights of the child, together with an outline of the constraints the country faced and the problems which remained despite the Government's efforts. The country's economy was weak. Corruption and impunity were serious problems. The structural adjustment programme had resulted in a deterioration of living standards, and access to social services, including health and education, was limited. The economic situation had been worsened by political instability. Many traditional attitudes and customs hampered acceptance of the Convention and its principles. The country was also coping with a large influx of refugees and the spread of HIV/AIDS.

9. Despite those difficulties, the Government had taken some positive steps. It had held the States General of Children and Youth in 1995 and the States General on Education and Training a year before. It had established a Children's Parliament and adopted the Family Code Law, which dealt extensively with children's rights. Assault causing bodily harm against children had been prohibited, and that prohibition applied to excision, a practice which had also been banned by decree. The abduction of children and failure to recognize one's child and to pay child support had been prohibited. A decree had been issued under which it was a punishable offence to prevent a girl from continuing her education. The new Constitution, which took the Convention's principles into account, reaffirmed the importance of children and established the

duty of the State to protect children and youth against violence and insecurity, exploitation and moral, intellectual or physical neglect. The Government had established juvenile courts and had set up child development plans at the local level.

10. The report did not specifically state whether the Convention could be invoked directly in court. She asked whether that was possible, and whether judges applied its provisions. According to the core document (HRI/CORE/1/Add.100), some judges strictly applied the principles of "no offence without a law" (nullum crimen sine lege) and "no penalty without a law" (nulla poena sine lege). She asked whether the Convention was considered a law in that sense, and whether any cases of violations of children's rights had been the subject of legal action. To what extent were the commendable legal provisions taken by the Government reflected in the everyday life of children? Had the Government reviewed the legislation to bring it into line with the Convention?

11. Mr. FULCI endorsed Ms. Ouedraogo's comments, in particular with regard to the presence of a representative of an NGO in the delegation. He asked to what extent Parliament was involved in the protection of children's rights. Had the initial report been discussed by the Parliament or by a parliamentary committee before it had been submitted? According to the report, lack of awareness of children's rights was an obstacle to implementation of the Convention. He would welcome information on measures taken or planned in order to make the Convention and children's rights better known among both adults and children. Information on the Convention should be included in school curricula.

12. It was not entirely clear from the report which bodies had primary responsibility for the implementation of children's rights. According to a study conducted in 1994 by the Ministry for the Advancement of Women and National Solidarity, the absence of a framework for coordinated action for children had resulted in a shortage of specialized institutions and staff for the rehabilitation, reintegration and legal protection of children, and a lack of mobilization to finance activities for children. That would suggest a need to establish a body to inform the public, mediate in disputes, provide advisory services and coordinate action. Since 1994, had the Government taken any steps to set up such a body?

13. The report made no reference to cooperation with United Nations agencies in the protection of children's rights. Information on the work of UNICEF in the Central African Republic, for example, would be of interest.

14. Ms. RILANTONO said that the State party had made commendable progress in implementing the rights of the child, in particular by establishing in 1993 the National Committee to monitor application of the Convention, which consisted of elected members, ex officio members, NGO representatives, professionals and civic leaders. According to the information provided by the Government, the National Committee was administratively attached to the Ministry of Justice. Was the Committee a Government agency? Its funding was reportedly provided by non-governmental sources, in particular UNICEF. The National Committee had the potential to act as a coordinating body not only for monitoring implementation, but also for providing advisory services to help define policies relating to children and for promoting children's rights. Perhaps the membership of the Committee should be extended, for example to include the Ministry of Information. Had the initial report been

drawn up taking the view of civil society into consideration? The reporting process itself was intended as a means of facilitating communication and sensitizing the public to the need to respect the rights of the child.

15. Mr. DOEK said it was not clear from the report whether there were two committees, or only one, working in the area of children's rights. If there were two committees, how did they differ, and were they independent of the Government? He would be interested to know whether the role of the National Committee to monitor application of the Convention (CNSCDE) formed in 1993 included specific authority to investigate cases brought to its attention. Was a clear and accessible complaint procedure in place, and were children aware of it?

16. He welcomed the creation of the Children's Parliament, an excellent example of a forum for children to express their views nationally and contribute to decision-making. What official follow-up had been given to the concerns expressed by children at the second session of their Parliament, which had been attended by the Prime Minister? Turning to the definition of the child, he said that most countries' legislation reflected the human rights situation as it stood rather than set innovative standards. He asked why children could seek medical, but not legal advice, and whether the obstacles referred to in the written replies were related to the cost.

17. He was dismayed to learn that minors were not held liable for damage they caused, and wondered who was held responsible in such cases? If children aged 16, and even 14, could be prosecuted for criminal acts, how could they not be held responsible for damage? Did the Convention's principle of the evolving capacities of the child not call for equally increasing responsibilities? He asked how that issue was addressed in the legislation.

18. Ms. EL GUINDI asked to what extent the country's domestic legislation complied with the Convention. She also wished to know the status of the ministries involved in the CNSCDE and in what way it helped implement the provisions of the Convention. Who was responsible, and what was the actual relationship between the two levels?

19. Ms. MOKHUANE requested clarification of an apparent contradiction in the written reply to the question on inheritance: how did the claim that there was no legal distinction between boys and girls agree with the statement that under customary practice boys were usually designated as the legal heir or administrator of the estate? What was the actual legal situation with regard to inheritance? She asked whether customary law existed as well as customary practice and, if so, how it fitted in with formal legislation.

20. She wished to know why the Central African Republic had not ratified either the International Labour Organisation Minimum Age Convention No. 138 or its Worst Forms of Child Labour Convention No. 182. Also, what were the challenges encountered and achievements made in implementing the 1993 National Plan of Action for the Survival, Protection and Development of Children?

21. Ms. KARP commended the Central African Republic for its inclusion of some of the Convention's basic principles in the Constitution itself, given the profound contrasts in the country's cultural background, which demonstrated its political will to enhance the exercise of

human rights. However, traditions and customs seemed to have pride of place. She asked whether religious and traditional leaders might not be encouraged to help change attitudes.

22. Reference had been made in the written replies to the failure to implement the National Plan of Action owing to the lack of an overall policy for its goals. She inquired about the general attitude to the Plan of Action. Concerning the Children's Parliament, who were the "Children's Ambassadors", and what was their role and impact? Were they associated with a UNICEF project?

23. She would appreciate comments from the delegation on the negative impact of the authorities' flouting of human rights laws relating to the juvenile justice system, respect for children's views, birth registration, and inheritance. While the State party was not alone in failing to enforce legislation, the authorities' unabashed failure to comply negated the legislation and undermined the very rule of law. How was the situation being addressed?

24. Ms. TIGERSTEDT-TÄHTELÄ asked whether the child-rights recommendations which the CNSCDE had submitted to the Government covered legislation or customary practices, and what effect they had been given. Implementation of any new policy or legislation required budget allocations. Were those provided for in the Central African Republic, and, if so, were funds earmarked in advance? As an indication of government priorities, what share of the budget was allocated to education and health?

25. Despite the country's poverty, it must certainly receive tax revenue. She asked what system was employed to incorporate those resources into the budget. Lastly, did the decentralization referred to involve the creation of new bodies? If so, how were the necessary resources obtained?

26. Ms. RILANTONO asked whether the fact that education was compulsory for girls up to the age of 21 meant that girls were required to attend school until that age, or whether that was simply a measure for protecting them from early marriage.

27. Ms. OUEDRAOGO asked who elected the members of the CNSCDE, the duration of its mandate, the composition of its membership and whether it included young people. She would like to know how the decisions of the Children's Parliament were implemented and how both Parliaments interacted. How were complaints against parents addressed and what was the public's reaction?

28. She would welcome information about the testing of the recent National Poverty Reduction Plan (PNLCP) in some pilot prefectures. She would also like to know whether a system existed for the registration of NGOs whether they were organized into networks and what were their main fields of activity. How widely was the Convention known as a result of the numerous dissemination activities described in the written reply to question 5? What method of communication had been used and what had been the public's reaction, particularly to the principles establishing the child as a juridical person?

29. Turning to the definition of the child, she asked whether any campaigns on early marriage had been conducted and how that traditional practice could be reconciled with the legal

provision establishing 18 as the age of marriage. Also, how were children protected from premature voluntary enlistment when birth certificates could be so easily altered? She requested an explanation of the general laxity with regard to substance and alcohol abuse, and suggested that the legislation on protection should be improved.

30. The CHAIRPERSON requested further information about measures to harmonize customary practice and customary law with the Convention in order to prevent discrimination between girls and boys.

The meeting was suspended at 11.30 a.m. and resumed at 11.40 p.m.

31. Ms. DEA (Central African Republic) said that the Central African Republic was prepared to modify its policies in the area of children's rights. The Government had demonstrated its political will by committing itself to implementing the Convention. Unfortunately, it was difficult to uproot certain entrenched attitudes and traditions, and the fact that the majority of the population was illiterate, made rapid communication of the underlying principles of the Convention difficult. Long-term intensive campaigns would be necessary to convince the population to accept certain of the Convention's provisions.

32. Even before the country's ratification of the Convention, numerous laws had existed for the promotion of human rights, especially those of women and children. In reality, the Government's most challenging task was changing mentalities, especially those of people in remote rural areas who would resent being told that they could not discipline their children the way they always had or take them to the fields to work. The problem was compounded by a lack of Government resources, as taxes were its only source of revenue, and by the inaccessibility of some areas, which made awareness-raising and mobilization campaigns nearly impossible.

33. Whatever action the Government took, however, progress hinged on changing mentalities, and her delegation appealed to the Committee for assistance, especially with regard to education and the girl child. An illiterate parent could not fully appreciate the value of education; children's rights were closely linked to the rights of their mothers and most poor people happened to be women.

34. In the last four years the share of the health and education budgets, in the national budget had risen 18 per cent, which was a considerable achievement, especially when compared with budget allocations in other areas. However, the vast destruction which the country had suffered remained a problem which the Government was unable to address without outside help.

35. Because of its geographical location in the centre of the African continent, the State party suffered the added problem of the spillover effects of conflicts in the neighbouring countries, with the result that the Central African Republic was now home to 15,000 refugee children.

36. The national policy document relating to the Convention had been in the design stage during the period covered in the initial report. Subsequently, five thematic groups had been established to conduct surveys, and in May 2000 technical staff of the Ministry of Social Affairs, together with members of the CNCSDE, had carried out studies in five prefectures. The policy document was expected shortly to be submitted to the Government for consideration and,

following further work and discussions, to the Parliament for adoption. A national seminar might be organized on the delegation's return to the country in order to take stock of the discussions with the Committee.

37. The members of the Children's Parliament and the Children's Ambassadors were students elected by their peers. The Children's Parliament was supported by the United Nations Educational, Scientific and Cultural Organization (UNESCO) and the United Nations Children's Fund (UNICEF) in an effort to enable children to denounce hatred and promote peace within an existing structure. Its members attended sessions of the national Parliament and presented reports, denounced violations of children's rights and formulated recommendations which the Prime Minister was required to consider. The President of the Children's Parliament had already met with the Head of State and submitted a list of recommendations.

38. Family and child promotion policy was a primary concern of the Government, but the means to execute its plans were lacking. Another serious problem was the Central African Republic's extremely high prevalence of HIV, which was linked to illiteracy and entrenched attitudes.

39. Two bodies existed for coordinating relations between the Government and NGOs. However, it had proved difficult to group NGOs according to similar activities. Perhaps the Government, in association with UNICEF, might train NGOs to help them see that the establishment of an umbrella body would have a positive impact on the population.

40. Mr. SAMBA (Central African Republic) said that the National Poverty Reduction Plan, was a Government-coordinated plan which included participation by United Nations agencies. It took into account studies focusing on the insertion and rehabilitation of children, especially in the remote rural areas, based on the recommendations of the States General on Children and Youth. The plan was being implemented on an experimental basis in four pilot regions, in order to improve the situation of women and children and of the most disadvantaged members of society. It was intended, in two years' time, to introduce an overall strategic plan, covering the entire country and targeting the same beneficiaries. The 1993 Plan of Action had proved to be inadequate because it had not included street children or rural children and because of the absence of an overall policy for implementing it.

41. Dissemination of the Convention was effective in schools but more difficult at the wider level because of the size of the country and its population density, four inhabitants per km^2. He noted that ratification of ILO Convention No. 138 concerning minimum age for admission to employment had been approved.

42. Mr. DOLLET (Central African Republic), replying to a question about the relationship between the Convention and domestic legislation, said that, under the Constitution, international law took precedence over domestic law. Concerning a question by Ms. Mokhuane, there was no customary law in the State party, only customary practices which had no binding effect. However, because of widespread illiteracy, and the country's oral tradition, it was difficult to enforce modern law.

43. Mechanisms existed under the Codes of Penal and Civil Procedures to defend the child's interests in matters of justice. A child could be provided with a State counsel of his choice and, in certain cases, such as those relating to abuse, child rights protection associations could take proceedings to court on the child's behalf.

44. Concerning children's civil and criminal responsibility, he said that children were liable for any damage they caused, subject to certain conditions. The Penal Code provided alternatives to custodial sentences for children aged 16 to 18 who were found guilty of an offence.

45. With regard to inheritance rights, he said there was no State administrator to manage children's property. A list of heirs was established, normally first the children of the deceased, with no distinction as to sex, followed by the surviving spouse and the parents. Only when there were no successors did the State intervene to dispose of the estate.

46. Like many other developing countries, the Central African Republic encountered difficulties in enforcing the law. The people, especially those living in rural areas, were ignorant about the law which was drafted in a language that was inaccessible to them. Nevertheless, for the first time in the legal history of the Central African Republic, children had brought proceedings against their parents to claim their legitimate rights. The decision in their favour had received a great deal of publicity. Many people had been amazed that children could, in fact, bring actions against their parents, under whose authority they lived; others had responded with satisfaction to the just reinstatement of rights.

47. A civil registrar who noticed that an under-age bride was pregnant, was not permitted to celebrate the marriage. Many unmarried young people, especially in rural areas, had children, a situation that was impossible to control. In response to that problem, the Ministry of Social Affairs had undertaken a campaign to inform parents of the dangers of early pregnancy.

48. The Government had had no intention of recruiting children into the armed forces; youths in training at the military academy for subsequent army careers had been drawn into the conflict. Furthermore, the Central African Republic was a poor country, and young people looking for work sometimes falsified their documents in order to qualify as recruits for the army. Army medical examiners, however, were in a position to declare that a youth was too young to serve in the military.

49. The Central African Republic was a huge territory with permeable borders, and it was therefore extremely difficult to control the movement of drugs. The only team responsible for monitoring drug use among minors operated in Bangui, the capital, and had limited resources at its disposal. The Government had ratified the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, and other relevant legal texts, but lacked the necessary resources to implement and enforce them.

50. Mr. SAMBA (Central African Republic) said that, at the request of the Association des femmes juristes de Centrafrique (Association of Women Jurists of Central Africa), a commission responsible for monitoring the implementation of the Convention had been created in 1993. In conjunction with UNICEF and the Government, the Association had organized a national seminar, which had drawn up the mandate and guidelines of the commission. In 2000, that body

had been dismantled by inter-ministerial decree, and a new national commission had been created. The membership of the new commission included members of the legal profession, representatives from most ministries and from the Office of the President, and members of the National Assembly, the Association mères de Centrafrique (Association of Mothers of Central Africa) and the parents and teachers association. A number of private individuals with a particular interest in the rights of children sat on the commission as well.

51. Sub-commissions at the central level specialized in such areas as culture and law; committees had also been set up at the prefectural level; and the process of establishing committees in rural communities and urban arrondissements had begun. Although those bodies functioned under the auspices of the Ministry of Justice, in fact they enjoyed great independence. The committees submitted reports on the situation of children to the central level. In the case of rights violations, an investigation was conducted and the institutions concerned were questioned. The work of those committees had been satisfactory, despite the shortage of resources. At the outset, the commission had been funded by UNICEF; since 1998, a modest allocation had been provided in the regular budget.

52. The Commission was endeavouring to coordinate all activities undertaken on behalf of children by the Government and the international agencies. It was empowered to formulate recommendations to the Government, had contributed to the reform of the Penal Code and the Code of Penal Procedure and had assisted in the establishment of a draft bill on juvenile delinquency. It had also held seminars, colloquiums and round tables on the situation of children in the Central African Republic, including workshops for members of the legislature and the clergy of various denominations. In addition, it had created an educational poster introducing the Convention to school children at the primary and secondary school levels, which would be displayed at the start of the next school year. Whenever the occasion arose, the Commission sought to disseminate information about the Convention on radio and television, as well as through conferences and discussions, and distributed copies of the text in French and Sango. Owing to budgetary restrictions, however, an inadequate number of copies had been printed in Sango.

53. Although the National Commission had been responsible for formulating the initial report, many sectors of society had participated in its creation, including jurists, lawyers and other professionals, and administrators. The report had then been reviewed and considered by a seminar established for that purpose. Although it had not been submitted to the National Assembly, the members of that body who sat on the Commission had contributed to its formulation.

54. Ms. SAPHO (Central African Republic) said that the Association des femmes juristes was endeavouring to promote and protect the rights of children, and to enhance the implementation of Convention provisions. Its role was to advocate for the Convention and to raise questions regarding its implementation. Unfortunately, political instability had impaired basic services, and it was difficult to argue for rights when children had no food or medicines and did not attend school. Consequently, the Association focused its efforts on attempting to persuade the Government to use its scant resources to provide better care for children, which included improving the partnership with international agencies and introducing the concept of

priorities into the budget. Although Central African children were well protected under the law, there was a considerable gap between law and practice; the Association was consequently attempting to create legislation that would reduce that gap.

55. Since the occasional failure of the Government to pay its personnel diminished the quality of services provided to children, the Association was also attempting to bring about structural reforms that would resolve that problem.

56. Although Central African law protected freedom of association, and any group of persons could freely form an organization, a code of conduct had been established. The Association had been working to group together all legislation that concerned NGOs, and expected to have a draft text ready for consideration in the near future.

57. Ms. DEA (Central African Republic), replying to a number of remaining questions, said that the National Commission had held two seminars on the Convention for teachers, and had arranged for the production of posters for primary and secondary schools. With regard to budgetary provisions, she said that the Government had established a goal of gradually raising the level of literacy. Although education had traditionally received less than 12 per cent of the budget, in the previous several years that allotment had risen to 18 per cent, and should reach 25 per cent by the year 2010. Regrettably, however, it was often difficult to free up those funds. Suppliers of educational and health materials no longer wished to deliver goods, because they could not be sure of payment.

58. The decree prohibiting girls under the age of 21 from marrying had been established at a time when many girls had been abandoning their studies in order to marry. Its purpose was to protect and promote the rights of girls. There was indeed sexual discrimination: parents preferred to send their sons to school and to keep their daughters at home to carry out domestic tasks and to work in the fields. Although equality of girls and boys was provided for by law, they were treated differently in practice.

59. Ms. OUEDRAOGO said it was clear from the report that the population of the Central African Republic tended to adhere to custom and tradition. The Government should consider working with traditional social structures, and with traditional communicators, to change attitudes; admittedly, that was a slow process. She wondered whether the Central African Republic had considered adopting the 20/20 Initiative, a programme sponsored by the United Nations and UNICEF.

60. In addition, it would be useful to know whether the Government had considered measures to involve the participation of children who were not enrolled in school in the Children's Parliament. The Government should endeavour to set up an NGO association or a network of NGOs, in order to extract the maximum profit from their activities, and in that regard, should attempt to learn from the experience of other countries. Finally, in creating its national plan of action and its national children's policy, the Central African Republic should take inspiration from the Convention's integrated, holistic approach to the rights of children.

The meeting rose at 1 p.m.